

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch,
7600, South Africa

Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com



NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Erven 2653 (3 La Colline Road) and 2664 (23 Tobruk Park), La Colline, Stellenbosch

Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com

Owner: Rotherhithe (Pty) Ltd (Reg. No. 2020/877785/07), Represented by: Mr DJ van den Heever, Cellular: +44 7766 67 4446, E-mail: daniel@ultimaterealestate.co.uk, Address: 02 Jan van Ceylon, De Zalse, Stellenbosch, 7600

Stellenbosch Municipality reference number: TP393/2023 // LU16294

Application type: Application in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023:

- a) Section 15(2)(f) for the removal/suspension of restrictive title deed conditions Clauses III A (5)(b)-(d) as contained in deed of transfer No. T18389/2021 for the following on Erf 2653, Stellenbosch:
 - a. Clause III A (5)(b) to permit a second dwelling.
 - b. Clause III A (5)(c) to permit a coverage of 54% in lieu of 50% to accommodate the proposed extensions to the existing dwelling unit and the construction of a second dwelling unit.
 - c. Clause III A (5)(d) to permit the encroachment/relaxation of the lateral building lines up to 0m and 1m (adjacent to Erf 2652) and rear building line up to 1m in order to accommodate the proposed extensions to the existing dwelling unit and the construction of a second dwelling unit.
- b) Section 15(2)(g) for permission in terms of the zoning scheme (technical approval/additional use) to construct a second dwelling unit on Erf 2653, Stellenbosch.
- c) Section 15(2)(o) for consent use to establish an 8 (eight) bedroom commune within the proposed second dwelling on Erf 2653.
- d) Section 15(2)(b) for a permanent departure on Erf 2653 for the following:
 - a. The relaxation of the common building line (adjacent to Erf 2652) from 1m to 0m to permit the replacement and alterations to the existing building.
 - b. The under provision of onsite parking to permit 8 (eight) parking bays in lieu of the required 10 (ten) parking bays.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Interested and/or affected parties are invited to submit comments on and/or objections to the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to Dupré Lombaard, Virdus Works, at dupre.lombaard@virdus.com. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 18 March 2024**. It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically by WhatsApp at +27 82 895 6362 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Plek: Erwe 2653 (La Collineweg 3), La Colline, Stellenbosch

Applikant: Dupré Lombaard, Virdus Works (Edms) Bpk, 3de Vloer, Timesquare, Elektronstraat, Tegnopark, Stellenbosch, 7600, Selfoon: +27 82 895 6362 // E-pos: dupre.lombaard@virdus.com

Eienaar: Rotherhithe (Edms) Bpk (Reg. No. 2020/877785/07), Verteenwoordig deur: Mnr DJ van den Heever, Sellulêr: +44 7766 67 4446, E-pos: daniel@ultimaterealestate.co.uk, Adres: 02 Jan van Ceylon, De Zalse, Stellenbosch, 7600

Stellenbosch Munisipaliteit se verwysingsnommer: TP393/2023 // LU16294

Aansoek tipe: Aansoek ingevolge Artikel 15 van die Stellenbosch Munisipaliteit Grondgebruikbeplanningsverordening, 2023:

- e) Artikel 15(2)(f) vir die verwydering/opskorting van beperkende titelvoorwaardes Klousules III A (5)(b)-(d) soos vervat in akte van oordrag nr. T18389/2021 vir die volgende op Erf 2653, Stellenbosch:
 - a. Klousule III A (5)(b) om 'n tweede woning toe te laat.
 - b. Klousule III A (5)(c) om 'n dekking van 54% in plaas van 50% toe te laat om die voorgestelde uitbreidings aan die bestaande wooneenheid en die bou van 'n tweede wooneenheid te akkommodeer.
 - c. Klousule III A (5)(d) om die oorskryding/verslapping van die laterale boulyne tot 0m en 1m (aangrensend aan Erf 2652) en agterste boulyn tot 1m toe te laat om die voorgestelde uitbreidings aan die bestaande wooneenheid en die bou van 'n tweede wooneenheid te akkommodeer.
- f) Artikel 15(2)(g) vir toestemming ingevolge die soneringskema (tegniese goedkeuring/bykomende gebruik) om 'n tweede wooneenheid op Erf 2653, Stellenbosch, te bou.
- g) Artikel 15(2)(o) vir vergunningsgebruik om 'n 8 (agt) slaapkamer kommune binne die voorgestelde tweede woning op Erf 2653 te vestig.
- h) Artikel 15(2)(b) vir 'n permanente afwyking op Erf 2653 vir die volgende:
 - a. Die verslapping van die gemeenskaplike boulyn (aangrensend aan Erf 2652) van 1m tot 0m om die vervanging en veranderings aan die bestaande gebou moontlik te maak.
 - b. Die ondervoorsiening van parkeerplek op die perseel om 8 (agt) parkeerplekke toe te laat in plaas van die vereiste 10 (tien) parkeerplekke.

Kennis word hiermee gegee ingevolge die bepalings van Artikel 46 van die genoemde Verordening dat bogenoemde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir inspeksie op die Beplanningsportaal van die Stellenbosch munisipale webwerf vir die duur van die openbare deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. As daar nie toegang tot die webwerf of dokumente verkry kan word nie, kan 'n elektroniese afskrif van die aansoek van die aansoeker aangevra word.

Belanghebbende en/of geaffekteerde partye word uitgenooi om kommentaar op en/of besware teen die aansoek ingevolge Artikel 50 van die genoemde verordening in te dien. Skriftelike kommentaar, wat die verwysing na die aansoek, die naam, kontakbesonderhede en fisiese adres van die persoon om die kommentaar in te dien, die redes vir die kommentaar en die belang van die persoon wat die kommentaar in die aansoek indien, moet insluit, kan by Dupré Lombaard, Virdus Works per dupre.lombaard@virdus.com ingedien word. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word om voor of op die **sluitingsdatum van 18 Maart 2024 ontvang te word**. Daar moet kennis geneem word dat die munisipaliteit ingevolge Artikel 50(5) van die genoemde Verordening kan weier om enige kommentaar/ beswaar wat na die sluitingsdatum ontvang is, te aanvaar. Vir enige navrae oor die Aansoek of bogenoemde vereistes, of indien u nie in staat is om u kommentaar te skryf en / of in te dien soos voorsien nie, kan u die aansoeker kontak vir hulp by die e-posadres wat deur WhatsApp verskaf word of telefonies by + 27 82 895 6362 gedurende normale kantoorure.

**TAX INVOICE****STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599**PLANNING & ECONOMIC DEVELOPMENT: PLANNING**

DATE:	2023-10-24	DOCUMENT NO:	758286
ERF / FARM NO:	2653	CREATED BY:	Nolusindiso Momoti
LOCALITY:	3 La Colline Road , STELLENBOSCH	APPLICATION NO:	LU/16294
OWNER'S NAME:	Rotherhithe (Pty) Ltd, 2 Jan Van Ceylon, De zalze	APPLICATION VAT NO:	4530303074
ADDRESS:	5 Vygeboom Close, DURBANVILLE 7550	VAT NO:	4700102181
		APPLICANT:	Dupré Lombaard - Virdus Works
		TEL NO:	0828956362

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure applications including but not limited to building lines, coverage, height, bulk, parking, Per applications per property	2600.00	1	20220630081392	2600.00
TEMPORARY DEPARTURE, CONSENT USE , PERMISSION IN TERMS OF ZONING SCHEME, PERMISSION REQUIRED IN TERMS OF THE TITLE DEED - Submitted in urban and rural areas, Per application per property	2600.00	1	20220630081392	2600.00
TEMPORARY DEPARTURE, CONSENT USE , PERMISSION IN TERMS OF ZONING SCHEME , PERMISSION REQUIRED IN TERMS OF THE TITLE DEED - Submitted in urban and rural areas, Per application per property	2600.00	1	20220630081392	2600.00
REMOVAL, SUSPENSION OR AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS - Removal, Suspension or Amendment of Restrictive Title Deed Conditions, Per application	2600.00	1	20220630081398	2600.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00

TOTAL AMOUNT PAYABLE 10400.00

NEW TARIFFS IMPLEMENTED ON 1 JULY 2023

CALCULATED BY

NAME:

SIGNATURE

FILE NR:

E2653 S

COLLABORATOR NR:

VERIFIED BY

NAME:

SIGNATURE

STELLENBOSCH MUNICIPALITY
VAT INCLUDED @ 15% 1356.52
PLANNING AND DEVELOPMENT SERVICES

02 NOV 2023

DATE: 24/10/2023

DATE: 24/10/2023

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
MUNICIPALITYAPPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**BANKING DETAILS FOR EFT PAYMENT:**

ACCOUNT HOLDER: Stellenbosch Municipality

BANK: First National Bank (FNB)

ACCOUNT NUMBER: 62869253684

BRANCH CODE: 210554

REFERENCE: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm
number indicated on this invoice as a reference when making EFT
payment.

0.00

Nolusindiso Momoti

From: Sharise De Klerk
Sent: Wednesday, 01 November 2023 14:01
To: Bulelwa Mdoda
Cc: Nicole Katts; Nolusindiso Momoti; Salome Newman; Annecke Hardouin
Subject: RE: RECEIPTS

VS-Q010A 1:01:03
23/11/01

Votes History Enquiry Listing

Page:

Local Authority : STB Stellenbosch Municipality LIVE Vote : 12200103450000
Financial Year : 2023 Period : 4 Level : 4

Pr	Post	Date	TC	LV	Reference	Amount	Lt.	Comment
4	05/10/2023	11	4	0000378123	2260.87-	N A:CASH1	1729B202310050016	
4	09/10/2023	11	4	1000238974	4521.74-	N A:DIR1	4331 TP465/2023 T	
4	09/10/2023	11	4	1000238975	8956.53-	N A:DIR1	4331 TP499/2023TO	
4	09/10/2023	11	4	1000238999	2260.87-	N A:DIR1	4331 TP493/2023 T	
4	09/10/2023	11	4	1000239081	2260.87-	N A:DIR1	4331 TP472/2023 F	
4	09/10/2023	11	4	1000239100	4521.74-	N A:DIR1	4331 LU/16225 ERF	
4	10/10/2023	11	4	1000239139	478.27-	N A:DIR1	4331 ERF 5156 LAN	
4	10/10/2023	11	4	1000239188	2260.87-	N A:DIR1	4331 TP466/2023 T	
4	10/10/2023	11	4	1000239189	2260.87-	N A:DIR1	4331 TP495/2023 T	
4	11/10/2023	11	4	1000239240	478.27-	N A:DIR1	4331 LU/16261 ERF	
4	11/10/2023	11	4	1000239264	478.27-	N A:DIR1	4331 LU/16259 ERF	
4	12/10/2023	11	4	1000239375	478.27-	N A:DIR1	4331 FARM 400 LAN	
4	12/10/2023	11	4	0000397671	478.26-	N A:CASH3	2559B202310120016	
4	13/10/2023	12	4	1000238950	2260.87-	N TP366/2023	ERF B202310130013	
4	16/10/2023	11	4	1000239541	2260.87-	N A:DIR1	4331 TP480/2023 T	
4	16/10/2023	11	4	1000239555	550.00-	N A:DIR1	4331 LU/16267 ERF	
4	16/10/2023	11	4	1000239575	2260.87-	N A:DIR1	4331 TP845/2023 T	
4	16/10/2023	11	4	1000239580	4521.74-	N A:DIR1	4331 TP514/2023 T	
4	16/10/2023	11	4	1000239581	4521.74-	N A:DIR1	4331 TP473/2023 T	
4	17/10/2023	11	4	1000239622	478.27-	N A:DIR1	4331 LU/16276 FAR	
4	19/10/2023	11	4	1000239716	478.27-	N A:DIR1	4331 LU16280 ERF2	
4	20/10/2023	11	4	1000239780	4521.74-	N A:DIR1	4331 TP528/20223	
4	20/10/2023	11	4	1000239802	4521.74-	N A:DIR1	4331 TP326/2023 T	
4	20/10/2023	11	4	0000488549	478.26-	N A:CASH2	2763B202310200016	
4	23/10/2023	11	4	1000239841	2260.87-	N A:DIR1	4331 TP471/2023 T	
4	23/10/2023	11	4	1000239857	2260.87-	N A:DIR1	4331 TP518/2023 T	
4	23/10/2023	11	4	1000239944	2260.87-	N A:DIR1	4331 TP517/2023 T	
4	24/10/2023	11	4	1000240000	4521.74-	N A:DIR1	4331 TP503/2023 T	
4	24/10/2023	11	4	1000240010	956.53-	N A:DIR1	4331 LU/14376 FAR	
4	24/10/2023	11	4	2001190557	478.27-	N A:DIR2	2205 LU/16300 CRO	
4	25/10/2023	11	4	1000240154	2260.87-	N A:DIR1	4331 LU/16221 ERF	
4	25/10/2023	11	4	1000240238	2260.87-	N A:DIR1	4331 TP463/2023 T	
4	27/10/2023	11	4	1000240417	478.27-	N A:DIR1	4331 LU/16305 ZON	
4	27/10/2023	11	4	1000240535	4521.74-	N A:DIR1	4331 TP443 INV145	
4	30/10/2023	11	4	1000240750	2260.87-	N A:DIR1	4331 LU/16292 ERF	
4	30/10/2023	12	4	1000240004	11217.40-	N TP491/2023	TOWNB202310300016	
4	31/10/2023	12	4	1000240621	13565.22-	N TP393/2023	TPB202310310017	

Total: 107854.46-

Grand Total: 107854.46-

* End of Report: Stellenbosch Municipality *

From: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Sent: Wednesday, November 1, 2023 9:23 AM
To: Sharise De Klerk <Sharise.Deklerk@ Stellenbosch.gov.za>
Cc: Nicole Katts <Nicole.Katts@ Stellenbosch.gov.za>; Nolusindiso Momoti
<Nolusindiso.Momoti@ Stellenbosch.gov.za>; Salome Newman <Salome.Newman@ Stellenbosch.gov.za>; Annecke
Hardouin <Annecke.Hardouin@ Stellenbosch.gov.za>
Subject: RECEIPTS

Morning Sharise;

Can we please have receipt numbers.

Thank you



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690
1st Floor, NPK Building
Cnr Plein and Ryneveld Street
Stellenbosch
7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication
is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

**FNB**

NOTIFICATION OF PAYMENT

To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

Date Actioned	: 2023/10/30
Time Actioned	: 13:20:37
Trace ID	: HN1B1VCL

Payer Details

Payment From	: Viridus Works
Cur/Amount	: ZAR20,800.00

Payee Details

Name	: Stellenbosch Mun Primary
Bank	:
Branch Code	:
Reference	: Tp393&482/2023

END OF NOTIFICATION

To authenticate this Payment Notification, please visit the First National Bank website at fnb.co.za, select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

Nolusindiso Momoti

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: Monday, 30 October 2023 13:31
To: Nicole Katts; Nolusindiso Momoti
Cc: Gerrit Goosen; Nopinki Dafeti
Subject: [SUSPICIOUS MESSAGE] RE: TPAMS Application undefined - Invoice TP 393/2023 AND TP 482/2023
Attachments: TP393&482-2023-INVOICES Paid 20231030.pdf

Dear Nicole and Sindi

Herewith proof of payment of the invoices for Erven 2653 (TP393/2023) and 2664 (TP482/2023), Stellenbosch.

As the two erven are abutting, the applications are nearly identical in nature and content, and many of the interested and affected parties are going to be duplicated, I request permission to jointly advertise the two applications. I will ensure that each is specifically detailed in the notice and that the I&AP's are completely aware of the fact that there are two different but similar applications. This will make the process more efficient and reduce the related costs significantly.

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Web: www.virdus.com

From: Gis.Administrator@ Stellenbosch.gov.za <Gis.Administrator@ Stellenbosch.gov.za>

Sent: Tuesday, September 19, 2023 9:53 AM

To: dupre.lombaard@virdus.com

Subject: TPAMS Application undefined - Invoice

Application Number: 482

Reference Number: TP482/2023

Enquiries: Nicole Petersen

Contact No: N/A

Email address: Nicole.Katts@Stellenbosch.gov.za

Good day,

LAND USE PLANNING APPLICATION SUBMISSION: INVOICE: ERF 2664 STELLENBOSCH

Pre-scrutiny of your documentation as submitted on has been completed.

The documentation for your application is considered complete and you may now pay the following application fees which applicable to your application. Council's banking details are listed below for ease of reference:

Please find attached the relevant invoice for your Town Planning application.

ACCOUNT HOLDER: STELLENBOSCH MUNICIPALITY

BANK: FIRST NATIONAL BANK (FNB)

ACCOUNT NUMBER: 62869253684

BRANCH CODE: 210554

REFERENCE: TP ID & ERF/FARM NUMBER

Please use both the TP ID and ERF/Farm number as reference when making EFT payment.

Please provide this office with a copy of your proof of payment once payment has been made.



STELLENBOSCH
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MUNISIPALITEIT • UMANTIPALA • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za



Disclaimer:

The information contained in this communication from gis.administrator@stellenbosch.gov.za sent at 2023-09-19 09:55:04 is confidential and may be legally privileged. It is intended solely for use by dupre.lombaard@virdus.com and others authorized to receive it. If you are not dupre.lombaard@virdus.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](https://www.ioco.co.za/)



Enquiries

Nolusindiso Momoti

Phone Number

E-mail

Nolusindiso.Momoti@stellenbosch.gov.za

BTW/VAT Invoice No: 14629

Invoice VAT Reference: 4700102181

Name: Dupré Lombaard

Invoice Date: 2023/10/24

Reference No: TP393/2023

Payment Due Date: 2023/11/23

Client Street address: Rotunda Saboya 23 Eurovillas
Villar Del Olmo Western Cape Spain 28512

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: 5 Vygeboom Close Durbanville
Durbanville Western Cape South Africa 7550

Municipality postal address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No: 4530303074

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Departure applications including but not limited to building lines, coverage, height, bulk, parking.	1	2 600.00	Per application per property	2 600.00
20220630081392	Consent Use ito Zoning	1	2 600.00	Per application per property	2 600.00
20220630081392	Temporary Departure, Permission ito Zoning Scheme , Permission ito Title Deed , Occasional use of Land	1	2 600.00	Per application per property	2 600.00
20220630081398	Removal, relaxation, suspension or amendment of restrictive title deed condition	1	2 600.00	Per application per property	2 600.00

Total Excl VAT 9 043.48

VAT 1 356.52

Invoice Total 10 400.00

*VAT Exempt

Created By: Momoti, Nolusindiso

Verified By: Momoti, Nolusindiso

Signature:

Signature:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

March 2022

TP393/2023

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	30/05/2023
Erf No	2653	Town		Suburb	Stellenbosch
Farm No		Farm Portion		Nearest Town	STELLENBOSCH
Owner / Applicant	Dupré Lombaard		Contact number	0828956362	
Email address	dupre.lombaard@virdus.com				
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²		
	YES	NO			
1. Completed application form that is signed	✓		✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution	✓		✓		
3. Bondholders' consent					
4. Proof that applicant is authorized to act on behalf of an entity					
5. Proof of ownership or rights held in land					
6. Motivation based on criteria in s65	✓		✓		
7. SG diagram or General Plan	✓		✓		
8. Locality plan	✓		✓		
9. Site development plan or plan showing the land development	✓		✓		
10. Subdivision plan	✓		N/A		
11. Permission for required servitude					
12. Title Deed	✓		✓		

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

13. Conveyancer's certificate		✓	✓
14. Feedback on Pre-application scrutiny			
15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA , TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nolusindiso	SIGNATURE N. Momoti	DATE 09/06/2023
Outstanding information (to be completed by Planner): See attached comments. Additional comments provided. see attached. 21/08/2023 Ready for final invoice 23/10/2023			
Applications to be invoiced (to be completed by Planner): • Departure x1 • Consent x1 • Technical approval x1 • Removal of restrictive conditions x1			
EVALUATED & SIGNED BY PLANNER	NAME Gerrit	SIGNATURE 	DATE 15/06/2023
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			

Nolusindiso Momoti

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: Wednesday, 13 September 2023 08:06
To: Gerrit Goosen
Cc: Nolusindiso Momoti
Subject: RE: [EX] RE: TP393/2023 : Outstanding Info
Attachments: ERF 2653 - 3 La Colline Rev COUNCIL - 12_09_2023.pdf

Dear Gerrit

Sorry for sending repeated erroneous or non-compliant plans. Herewith the updated version as received from the architects.

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rotonda Saboya 23, Villar del Olmo, 28512, Madrid, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Web: www.virdus.com

From: Gerrit Goosen <Gerrit.Goosen@ Stellenbosch.gov.za>
Sent: Monday, September 11, 2023 2:59 PM
To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Cc: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Subject: RE: [EX] RE: TP393/2023 : Outstanding Info

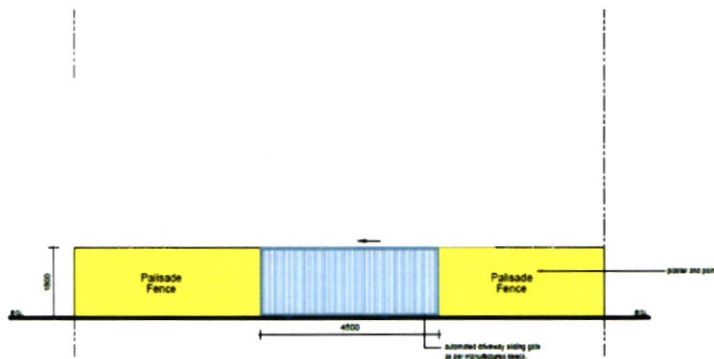
Afternoon Dupre,

Your attached letter refers.

I acknowledge and accept your responses relating to points 1, 4, and 7.

✓ Regarding point 2, please refer to an extract of the elevations below. The solid wall still appears to be more than 50% and a note suggest that the palisade fence will be plastered and painted. Please clarify.

[Handwritten signature] 23/10/2023



WEST ELEVATION - BDY WALL

SCALE 1:100

Regarding point 3, I will accept your statement that the roof will not be used for human habitation but please note that the design of is still considered excessive and should the application be supported conditions may be imposed to limit its use and design.

Regarding point 5 and 6, the removal of the subject title deed condition will be considered as requested but need to be motivated adequately given the fact that the title deed makes provision for relaxation.



Kind regards / Vriendelike groete

Gerrit Goosen (Pr. Pln.)

Town Planner

Planning & Economic Development

T: +27 21 808 8610

1st floor, NPK Building, 20 Plein Street,
Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Sent: Friday, September 8, 2023 1:47 PM

To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

Cc: Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>

Subject: RE: [EX] RE: TP393/2023 : Outstanding Info

Dear Sindi

Herewith our response and fresh SDP.

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rotonda Saboya 23, Villar del Olmo, 28512, Madrid, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Web: <https://protect-za.mimecast.com/s/W6BwCKO7o9SqEXqlhvkO-O?domain=virdus.com>

From: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>

Sent: Tuesday, August 22, 2023 2:01 PM

To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Cc: Gerrit Goosen <Gerrit.Goosen@ Stellenbosch.gov.za>

Subject: RE: [EX] RE: TP393/2023 : Outstanding Info

Good day Dupré,

Please note that the following matter still needs to be address:

- ✓ 1. The revised site plans indicate that 14 student rooms are proposed. Application for consent use and departure to permit the under provision of parking to be amended accordingly. One parking bay per "student room" is required.
- ✓ 2. The street boundary wall indicated on the revised elevation and site plans appears to be still non-compliant with Section 56(2) of the Zoning Scheme regarding the 50% permeability requirement.
- ✓ 3. The "roof area" indicated on the site plan is considered a 3rd storey as it is accessible and can be used for human habitation. The design of the roof and space provided in the "roof area" exceed what is normally considered as roof storage space. Only two storeys are permitted in accordance with the zoning of the property.
- ✓ 4. The coverage calculation appears to be incorrect. The percentage of 54% only includes the square meterage of the first storey. The ground floor areas which exceed the footprint of the first floor must also be included in the coverage calculations.
- ✓ 5. All title deed building lines to be indicated on the site plan. Clause III. A. 5. (d) only makes provision for a 0m building line where two semidetached dwelling share a dividing wall. All other building must still comply with the title deed building lines.
- ✓ 6. It should be noted that Clause 5 of the title deed makes provision for the relaxation of the title deed building lines and coverage, where applicable.
- ✓ 7. POA to be updated where applicable.

23/10/2023
Kind regards / Vriendelike Groete

Nolusindiso Momoti (Sindi)

Administrative Officer

Land Use Management

Planning & Economic Development



T: +27 21 808 8673; F + 27 21 886 6899

NPK Building, 1st Floor, C/O Plein & Ryneveld Street, Stellenbosch, 7600

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[za.mimecast.com/s/11HrCMjKqWc5Ow5ghWdj6B?domain=stellenbosch.gov.za](https://protect-za.mimecast.com/s/11HrCMjKqWc5Ow5ghWdj6B?domain=stellenbosch.gov.za)



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[za.mimecast.com/s/11HrCMjKqWc5Ow5ghWdj6B?domain=stellenbosch.gov.za](https://protect-za.mimecast.com/s/11HrCMjKqWc5Ow5ghWdj6B?domain=stellenbosch.gov.za)

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From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Sent: Friday, August 18, 2023 12:12 PM

To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

Cc: Landuse Enquiries <Landuse.Enquiries@stellenbosch.gov.za>

Subject: [EX] RE: TP393/2023 : Outstanding Info

Dear Sindi

Herewith the updated application - <https://protect-za.mimecast.com/s/a290CWnKEosj9Mj2srK2Ib?domain=we.tl>

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rotonda Saboya 23, Villar del Olmo, 28512, Madrid, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Web: <https://protect-za.mimecast.com/s/W6BwCKO7o9SqEXqlhvkO-O?domain=virdus.com>

From: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

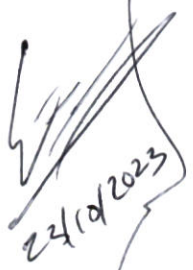
Sent: Monday, June 19, 2023 11:28 AM

To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Subject: TP393/2023 : Outstanding Info

Good day Dupré,

1. Your application with reference TP393/2023 (Erf 2653 , Stellenbosch) refers.
2. Your application has been duly scrutinized for compliance to the requirements stated in s.38 of the Stellenbosch Land Use Planning Bylaw, 2015.
3. In terms of s.41(1)(c)(ii) of the said Bylaw, the following matters needs to be addressed in order to proceed with the processing of the subject application:

- 
- a) **The layout of proposed the main dwelling unit is not practical as it is not a self-contained building with a set of interleading rooms which can be occupied by one family. The bedrooms on the first floor can only be accessed via a staircase shared with the "second dwelling unit". The family members occupying bedrooms 1-4 does not have direct access to the kitchen and lounge of the main dwelling unit and need to enter the "second dwelling unit" to reach the ground floor part of the main dwelling unit. Also refer to Section 53 of the Zoning Scheme Bylaw regarding communes.**
 - b) **The "roof area" indicated on the site plan is considered a 3rd storey as it is accessible and can be used for human habitation. Only two storeys are permitted in accordance with the zoning of the property.**
 - c) **Coverage percentage appears to be incorrect on the site plan. The first storey coverage is indicated as 267.5m² which exceeds the 45% coverage as indicated.**
 - d) **Title deed building lines to be indicated on the site plan.**
 - e) **It should be noted that Clause 5 of the title deed makes provision for the relaxation of the title deed building lines and coverage, where applicable.**
 - f) **A main dwelling unit with 5 bedrooms requires 2 parking bays as per Section 33 of the Zoning Scheme Bylaw. Also refer to Section 53(3) of the Zoning Scheme Bylaw regarding parking and communes.**
 - g) **The site plan only indicates 7 student rooms and not 8 as indicated in the application. Please clarify.**
 - h) **Complete part F of the application form pertaining to departures (building lines and coverage, if required)**
 - i) **The street boundary wall appears to be non-compliant with Section 56(2) of the Zoning Scheme regarding the 50% permeability requirement.**

4. Please provide the required information/ documents / fees within 14 days from this notification, failing which the Municipality may in terms of s.41(3) of the said Bylaw, refuse to consider the application.
5. For any enquiries on this correspondence please respond by e-mail to the writer hereof



Kind regards / Vriendelike Groete

Nolusindiso Momoti (Sindi)

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899

NPK Building, 1st Floor, C/O Plein & Ryneveld Street, Stellenbosch, 7600

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TP393 - additional requirements.

1. The revised site plans indicate that 14 student rooms are proposed. Application for consent use and departure to permit the under provision of parking to be amended accordingly. One parking bay per "student room" is required.
2. The street boundary wall indicated on the revised elevation and site plans appears to be still non-compliant with Section 56(2) of the Zoning Scheme regarding the 50% permeability requirement.
3. The "roof area" indicated on the site plan is considered a 3rd storey as it is accessible and can be used for human habitation. The design of the roof and space provided in the "roof area" exceed what is normally considered as roof storage space. Only two storeys are permitted in accordance with the zoning of the property.
4. The coverage calculation appears to be incorrect. The percentage of 54% only includes the square meterage of the first storey. The ground floor areas which exceed the footprint of the first floor must also be included in the coverage calculations.
5. All title deed building lines to be indicated on the site plan. Clause III. A. 5. (d) only makes provision for a 0m building line where two semidetached dwelling share a dividing wall. All other building musts still comply with the title deed building lines.
6. It should be noted that Clause 5 of the title deed makes provision for the relaxation of the title deed building lines and coverage, where applicable.

7. DOA to be updated if required.

replaced.

Nolusindiso Momoti

From: Nolusindiso Momoti
Sent: Monday, 19 June 2023 11:28
To: Dupré Lombaard (Virdus Works)
Subject: TP393/2023 : Outstanding Info

Good day Dupré,

1. Your application with reference TP393/2023 (Erf 2653 , Stellenbosch) **refers.**
2. Your application has been duly scrutinized for compliance to the requirements stated in s.38 of the Stellenbosch Land Use Planning Bylaw, 2015.
3. In terms of s.41(1)(c)(ii) of the said Bylaw, the following matters needs to be addressed in order to proceed with the processing of the subject application:
 - a) The layout of proposed the main dwelling unit is not practical as it is not a self-contained building with a set of interleading rooms which can be occupied by one family. The bedrooms on the first floor can only be accessed via a staircase shared with the "second dwelling unit". The family members occupying bedrooms 1-4 does not have direct access to the kitchen and lounge of the main dwelling unit and need to enter the "second dwelling unit" to reach the ground floor part of the main dwelling unit. Also refer to Section 53 of the Zoning Scheme Bylaw regarding communes.
 - b) The "roof area" indicated on the site plan is considered a 3rd storey as it is accessible and can be used for human habitation. Only two storeys are permitted in accordance with the zoning of the property.
 - c) Coverage percentage appears to be incorrect on the site plan. The first storey coverage is indicated as 267.5m² which exceeds the 45% coverage as indicated.
 - d) Title deed building lines to be indicated on the site plan.
 - e) It should be noted that Clause 5 of the title deed makes provision for the relaxation of the title deed building lines and coverage, where applicable.
 - f) A main dwelling unit with 5 bedrooms requires 2 parking bays as per Section 33 of the Zoning Scheme Bylaw. Also refer to Section 53(3) of the Zoning Scheme Bylaw regarding parking and communes.
 - g) The site plan only indicates 7 student rooms and not 8 as indicated in the application. Please clarify.
 - h) Complete part F of the application form pertaining to departures (building lines and coverage, if required)
 - i) The street boundary wall appears to be non-compliant with Section 56(2) of the Zoning Scheme regarding the 50% permeability requirement.
4. Please provide the required information/ documents / fees within 14 days from this notification, failing which the Municipality may in terms of s.41(3) of the said Bylaw, refuse to consider the application.
5. For any enquiries on this correspondence please respond by e-mail to the writer hereof

Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
Land Use Management
Planning & Economic Development

1. The layout of proposed the main dwelling unit is not practical as it is not a self-contained building with a set of interleading rooms which can be occupied by one family. The bedrooms on the first floor can only be accessed via a staircase shared with the "second dwelling unit". The family members occupying bedrooms 1-4 does not have direct access to the kitchen and lounge of the main dwelling unit and need to enter the "second dwelling unit" to reach the ground floor part of the main dwelling unit. Also refer to Section 53 of the Zoning Scheme Bylaw regarding communes.
2. The "roof area" indicated on the site plan is considered a 3rd storey as it is accessible and can be used for human habitation. Only two storeys are permitted in accordance with the zoning of the property.
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4. Title deed building lines to be indicated on the site plan.
5. It should be noted that Clause 5 of the title deed makes provision for the relaxation of the title deed building lines and coverage, where applicable.
6. A main dwelling unit with 5 bedrooms requires 2 parking bays as per Section 33 of the Zoning Scheme Bylaw. Also refer to Section 53(3) of the Zoning Scheme Bylaw regarding parking and communes.
7. The site plan only indicates 7 student rooms and not 8 as indicated in the application. Please clarify.
8. Complete part F of the application form pertaining to departures (building lines and coverage, if required)
9. The street boundary wall appears to be non-compliant with Section 56(2) of the Zoning Scheme regarding the 50% permeability requirement.

TD 21/08/2023 repland

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch,
7600, South Africa

Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com



20 October 2023

The Director: Planning and Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599
Per: Landuse.Enquiries@ Stellenbosch.gov.za

Dear Sir

**RESUBMISSION OF SITE DEVELOPMENT PLANS FOR ERF 2653, STELLENBOSCH (TP393/2023)
AND ERF 2664 (TP482/2023)**

The email responses of 19 September 2023 (TP482/2023) and 29 September 2023 (TP393/2023) in terms of Section 38 of the Stellenbosch Land Use Planning Bylaw, 2023 refer.

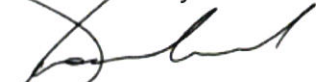
The site development plans (SDPs) of the proposed redevelopments were amended after consultation between the planners assigned to the applications and the architect and are herewith resubmitted for consideration.

In comment on application TP482/2023 for Erf 2664, it is mentioned that the proposed use is not consistent with the Conventional Residential Zone. However, the same comment was not raised in the case of TP393/2023 for Erf 2653, i.e., there seems to be uncertainty as to how best to deal with the applications. Prior to submission of the applications, we informally consulted with the Department to discuss the best approach, which we recommended as being a rezoning for Multi-unit Residential Zone, rather than applying for a commune. The consensus of opinion was however different, as the fear was that a rezoning midst Conventional Residential Zone properties on small erven would not be appropriate. In view thereof the scale of the proposed redevelopment was reduced and resulted in the two applications as submitted. We agree that the down-scaled consent use proposals are more appropriate for the area, while still achieving the goals as set out for the densification of the area and the creation of affordable housing.

While the coverage for the proposed building on Erf 2664 is shown as 50%, i.e., on the limit as determined in the restrictive title conditions, it is very likely that soon a minor addition to the building will be made, causing the coverage to be exceeded. The staircase leading to the entrance of the second dwelling is for example not covered. It is only going to take one wet winter to convince the owner to put a roof over the stairs to protect the residents. Such a roof will cause the coverage to be exceeded. A similar situation will be caused by the creation of a covered drying yard for the residents. Thus, to avoid later and near certain applications for suspension or removal of the title conditions, the application is now made, and if necessary, then the possible future covered spaces as mentioned can be shown on the SDP.

We trust that the newly revised SDPs as submitted herewith are sufficient and that the applications can be administered for public participation purposes.

Yours faithfully



DUPRÉ LOMBAARD

Gerrit Goosen

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: Friday, 20 October 2023 09:18
To: Gerrit Goosen; Nopinki Dafeti
Cc: Nolusindiso Momoti; Nicole Katts
Subject: RE: [EX] FW: LA COLINE ERF 2653 TP393/2023
Attachments: ERF 2653 - 3 La Colline Rev COUNCIL - 2023_10_03.pdf; Tobruk Park Road ERF 2664 - Council - 2023_10_03.pdf; Virdus Works resubmission SDPs for Erven 2653 and 2664 Stellenbosch 20231019.pdf

Dear Gerrit and Nopinki

Herewith the amended SDP's and response to the request for additional information.

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Web: www.virdus.com

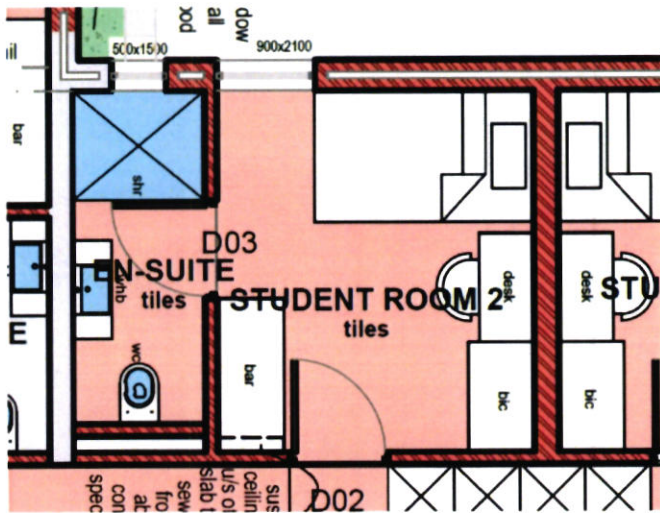
From: Gerrit Goosen <Gerrit.Goosen@ Stellenbosch.gov.za>
Sent: Tuesday, September 26, 2023 3:06 PM
To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Cc: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Subject: RE: [EX] FW: LA COLINE ERF 2653 TP393/2023

Afternoon Dupre,

Your application was presented at our technical meeting which was held last week Thursday and some concern was raised regarding the bar area/counter indicated for each bedroom. See below an example.

More clarity regarding the use and purpose of this area was requested. It should be noted that each dwelling may only have one kitchen area and individual rooms may not be "fitted out and furnished for the storing, preparation and cooking of food". See the definition of a kitchen as provided in the Zoning Scheme Bylaw.

Nopinki is dealing with your other application (Erf 2664) which is very similar to this one and the same question was asked. I hope that her comments have reached you by now.



Kind regards / Vriendelike groete

Gerrit Goosen (Pr. Pln.)

Town Planner

Planning & Economic Development

T: +27 21 808 8610

1st floor, NPK Building, 20 Plein Street,
Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Sent: Thursday, September 14, 2023 10:57 AM

To: Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>

Cc: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

Subject: [EX] FW: LA COLINE ERF 2653 TP393/2023

Dear Gerrit

Herewith the SDP hopefully correct.

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

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Development Management Consultants and Environmental Assessment Practitioners

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Web: www.virdus.com

From: emmanuel@wpboscharchitects.co.za <emmanuel@wpboscharchitects.co.za>

Sent: Wednesday, September 13, 2023 9:40 AM

To: dupre.lombaard@virdus.com

Cc: 'WP Bosch' <wp@wpboscharchitects.co.za>

Subject: LA COLINE ERF 2653

Please see Erf 2653 La Coline plans attached with plaster and paint note removed.

Regards

Emmanuel Swamlow

WP Bosch & Associates | Architects

51A Napier Street | De Waterkant | 8001

+27 61 480 6784

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FIRST FLOOR PLAN
SCALE 1:100

FIRST FLOOR - KEY PLAN
SCALE 1:250



LA COLLINE

REV.	DATE	DESCRIPTION	BY
A	2023-01-01	CLIENT REQUEST	WM
B	2023-01-01	REVISIONS	WM
C	2023-01-01	CONCRETE SUBMISSION	WM
D	2023-01-01	LA FLOOR LAYOUT AS PER WP BOSCH & ASSOCIATES ARCHITECTS	WM

WP BOSCH & ASSOCIATES
ARCHITECTS

HOUSE LA COLLINE

ALTERATIONS AND EXTENSION
TO EXISTING DWELLING

No. 3 LA COLLINE ROAD,
STELLENBOSCH

ERF 2653

CONCISE SUBMISSION

GROUND FLOOR & FIRST
FLOOR

SMD23_04601

DATE: 1/20/2023

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

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08 September 2023

The Director: Planning and Development

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Per: Landuse.Enquiries@ Stellenbosch.gov.za

Dear Sir

RESUBMISSION OF APPLICATION AND OUTSTANDING INFORMATION: ERF 2653, STELLENBOSCH (TP393/2023)

Your email responses of 19 June 2023 and 22 August 2023 in terms of Section 38 of the Stellenbosch Land Use Planning Bylaw, 2015 with reference TP393/2023 refer. The site development plan (SDP) and layout of the proposed redevelopment were amended and resubmitted on 18 August 2023, in response where to we received the email of 22 August 2023. This letter is in response to the email of 22 August.

The SDP has again been amended to better illustrate the proposal and is attached hereto.

1. *The revised site plans indicate that 14 student rooms are proposed. Application for consent use and departure to permit the under provision of parking to be amended accordingly. One parking bay per "student room" is required.*

The plans show only eight student rooms in the second dwelling. All other rooms in the main dwelling are for the use of the owner.

2. *The street boundary wall indicated on the revised elevation and site plans appears to be still non-compliant with Section 56(2) of the Zoning Scheme regarding the 50% permeability requirement.*

The boundary wall has been redesigned to be compliant with the Bylaw parameters.

3. *The "roof area" indicated on the site plan is considered a 3rd storey as it is accessible and can be used for human habitation. The design of the roof and space provided in the "roof area" exceed what is normally considered as roof storage space. Only two storeys are permitted in accordance with the zoning of the property.*

The roof area was purposely made accessible for maintenance of the water heating system and to create storage space for the residents, but in view of the persistent negative response thereto, it is now no longer accessible other than through a prescribed trap door. It was not intended

for human habitation, and it cannot be "considered" a third storey, as a storey is specifically defined as an area intended for human habitation.

4. *The coverage calculation appears to be incorrect. The percentage of 54% only includes the square meterage of the first storey. The ground floor areas which exceed the footprint of the first floor must also be included in the coverage calculations.*

The architect has calculated the coverage as 54% as shown on the SDP.

5. *All title deed building lines to be indicated on the site plan. Clause III. A. 5. (d) only makes provision for a 0m building line where two semidetached dwelling share a dividing wall. All other building must still comply with the title deed building lines.*

Building lines have been shown on the SDP. The proposed building lines are in keeping with the title conditions and the zoning. The plan shows a semi-detached dwelling in the exact same position as the existing, i.e., there is no change, and the nil metre building line as before still applies.

6. *It should be noted that Clause 5 of the title deed makes provision for the relaxation of the title deed building lines and coverage, where applicable.*

Even though a relaxation is possible, the owner wishes to apply for a removal of the title conditions as is permitted in terms of the Land Use Planning Bylaw.

7. *POA to be updated where applicable.*

The POA is all-encompassing, as is the resolution. It allows for all relevant applications for the establishment of a commune, inclusive of the removal of title conditions etc.

We trust that the newly revised SDP as submitted herewith is sufficient and that the application can be administered for public participation purposes.

Yours faithfully



DUPRÉ LOMBAARD

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch,
7600, South Africa

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14 August 2023

The Director: Planning and Development
Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Per: Landuse.Enquiries@stellenbosch.gov.za

Dear Sir

**RESUBMISSION OF APPLICATION AND OUTSTANDING INFORMATION: ERF 2653,
STELLENBOSCH (TP393/2023)**

Your email response of 19 June 2023 in terms of Section 38 of the Stellenbosch Land Use Planning Bylaw, 2015 with reference TP393/2023 refers.

The layout of the proposed the main dwelling has been altered so that it now functions as a separate dwelling with a set of interleading rooms which can be occupied by a single family.

The roof area is accessible and intended for maintenance of the water heating system and to create storage space for the residents. It is not intended for human habitation.

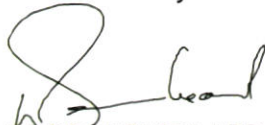
The coverage is now correctly shown on the site plan as 54% and all building lines are indicated on the site plan. A departure is requested for the provision of parking, as only eight bays are provided instead of the prescribed 10 bays.

The site plan and the application have been aligned and eight student rooms are shown.

Part F of the application form pertaining to departures (building lines) and parking has been completed. The nil metre side building line applies only to that portion of the property where currently exists a party wall and the two abutting properties each have a nil metre building line. It is therefore not a new departure, but a re-use of the existing building line departure.

The street boundary wall is compliant with Section 56(2) of the Zoning Scheme, as the gate is visually permeable, and it extends over 50% of the front boundary.

Yours faithfully



DUPRÉ LOMBAARD

**LAND DEVELOPMENT APPLICATION FOR:
REMOVAL OF TITLE CONDITIONS AND CONSENT
USE OF
ERF 2653, STELLENBOSCH**



August 2023

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ANNEXURE

ANNEXURE A: LOCALITY

ANNEXURE B: APPLICATION AUTHORISATION

ANNEXURE C: APPLICATION FORM

ANNEXURE D: CONVEYANCER'S CERTIFICATE

ANNEXURE E: TITLE DEEDS

ANNEXURE F: DIAGRAM

ANNEXURE G: SITE DEVELOPMENT PLAN

EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 2653, STELLENBOSCH SG Code: C067002200000265300000 / Location: Lat: 33° 55' 24.83" S Lon: 18° 51' 32.67" E	
<u>Owner:</u> Rotherhithe (Pty) Ltd (Reg. No. 2020/877785/07) Represented by: Mr DJ van den Heever Cellular phone: +44 7766 67 4446 E-mail: daniel@ultimaterealestate.co.uk Address: 02 Jan van Ceylon, De Zalse, Stellenbosch, 7600	<u>Project Consultant:</u> Mr Dupré Lombaard Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 SACPLAN: B/8076/1998 Cellular phone: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 3 rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600

Rotherhithe has acquired Erf 2653, Stellenbosch (3 La Colline Street) together with the abutting Erf 2664 in Tobruk Park Road and wishes to convert the house and existing outbuildings for accommodation purposes as a commune, requiring a consent use application. The property is improved with a semi-detached double storey dwelling and outbuildings, erected onto the common boundaries, while the title deed of the property determines restrictive boundary building lines, thus requiring an application for the removal of the restrictive title conditions. The property has an area of 495m². It is located opposite the AF Louw Primary School in the area identified as a settlement restructuring zone in the Stellenbosch Spatial Development Framework. It is not of heritage significance, having been reconstructed and added to in recent times since 2009.

The title deed (T18389/2021) contains the aforementioned restrictions which require removal to permit the further redevelopment of the property under conditions A 5(b), (c), and (d). These conditions restrict the use to a single dwelling, determine that no building or structure shall be erected nearer than 4,72m of the street, 3,15m of the rear boundary, and 1,57m of a lateral boundary, unless a semi-detached dwelling is constructed thereon, in which case no building line restriction shall apply to the affected common boundary. The conditions also determine a maximum coverage of 50%. Due to the provision of a kitchen for the commune residents, application is also made for a second dwelling on the property.

The application is made in keeping with Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 as well as Section 13 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 for a technical approval of a second dwelling. The application covers the following aspect(s):

- (1) Section 15(2)(b) a permanent departure from the development parameters of the zoning scheme to encroach the building lines and to construct the building onto the side boundary, in replacement of the existing dwelling, and for the provision of eight parking bays instead of the required ten bays;

- (2) Section 15(2)(f) a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for a commune in buildings that exceed the building lines as determined in the title deed;
- (3) Section 15(2)(o) for a consent use as contemplated in Section 53 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019; and
- (4) Sections 13 and 49 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 for a second dwelling by technical consideration to allow for the establishment of a commune consisting of eight rooms with a communal kitchen and living area on the property together with a main dwelling.

1. BACKGROUND

1.1 Introduction

Erf 2653, 495m² in extent, is located at 3 La Colline Street in Stellenbosch, opposite the AF Louw Primary School. It contains a semidetached double storey dwelling house, with outbuildings and flatlets used for the accommodation of individuals. The township was established in 1956 by the subdivision of a neighbourhood developed for social housing by the then national Housing Commission. It is located in an area identified as a restructuring zone, where higher density residential development is promoted due to its location in proximity of transport infrastructure, educational and other community facilities, as well as economic opportunities.



Figure 1: Erf 2653 locality shown in red

The property is ideally located in an area identified for more intense residential uses within walking distance of the Stellenbosch CBD, the University, and schools. There is ample open space in the area and major transport infrastructure, making it an ideal locality for densification and the establishment of a commune by reconstruction and reconfiguration of the existing buildings, subject to the removal of the restrictive title conditions.

With the proposed redevelopment, eight separate bedrooms could be created in an interleading dwelling, over and above the main dwelling house, with parking for eight cars under croft (below) the elevated rooms intended for communal living. The building does however not comply with the building lines as provided in the

title conditions and a second kitchen is proposed in it, causing it to be deemed a second dwelling.

1.2 Title deed

The title deed (T18389/2021) contains restrictions which require removal to permit the redevelopment of the property under conditions A 5(b), (c), and (d). These conditions determine that the erf shall be used for a single dwelling only, that no building or structure shall be erected nearer than 4,72m of the street, 3,15m of the rear boundary, and 1,57m of a lateral boundary, unless a semi-detached dwelling is constructed thereon, in which case no building line restriction shall apply to the affected common boundary. The conditions also determine a maximum coverage of 50%.

1.3 Land use planning / land development application

1.3.1 Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, for a permanent departure from the development parameters of the zoning scheme:

- to encroach the side building line and to reconstruct the existing building for under croft parking onto the side boundary where currently exists a semi-detached dwelling; and
- for the provision of eight parking bays instead of the required ten bays.

1.3.2 Section 15(2)(f) of the Land Use Planning Bylaw for a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for a commune in a second dwelling and buildings that exceed the building lines as determined in the title deed as detailed in the attached conveyancer's certificate and title deed (Annexure D and E):

- *A. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes opgelê kragtens Transportakte No T30920/1981 deur die Administrateur van die Kaapprovinsie kragtens Ordonnansie No 33 van 1934, by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding Nr 2 naamlik:-*
 - *5. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-*
 - *(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
 - *(c) not more than half the area thereof shall be built upon;*
 - *(d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of*

this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected with the above prescribed the rear space, provided further that in the event of a pair of semi-detached houses being erected on this land and the adjoining erf, no building line restriction shall apply to the lateral boundary colinear with the dividing wall of the two residential units."

- 1.3.3 Section 15(2)(o) of the Land Use Planning Bylaw for a consent use as contemplated in Section 53 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms on the property together with a main dwelling.
- 1.3.4 Application is also made for a second dwelling by technical consideration as contemplated in Sections 13 and 49 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune in a second dwelling consisting of eight rooms with a communal kitchen on the property together with a main dwelling.

2. LAND DEVELOPMENT APPLICATION AND MOTIVATION

2.1 Development context

The subject property is located in one of the identified housing densification areas, where amongst others social housing is envisaged. It is opposite the AF Louw Primary School and within 500m of Du Toit Station and 1 000m of the Stellenbosch University campus. Helshoogte Road (R310) is approximately 100m north of the property.

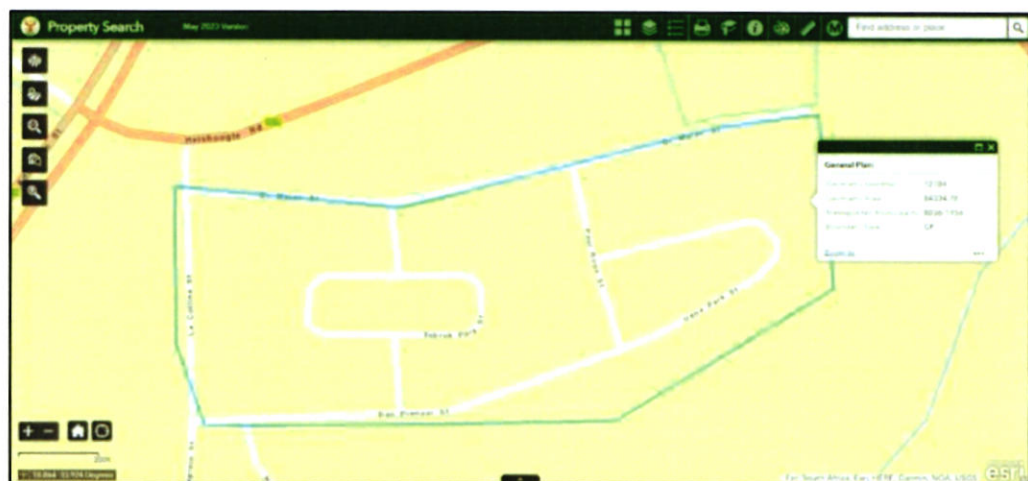


Figure 2: La Colline township outline (GP 8036/1956)

Houses in the township area (Stellenbosch Extension 2; GP 8036/1956) are being modernised and redeveloped following disposal of the erstwhile provincial social housing to individual owners. Some houses have retained their original scale and form, mostly double storey semidetached houses, while others have been converted to accommodate additional dwelling units and rooms (flatlets) for the accommodation of individuals and small households.

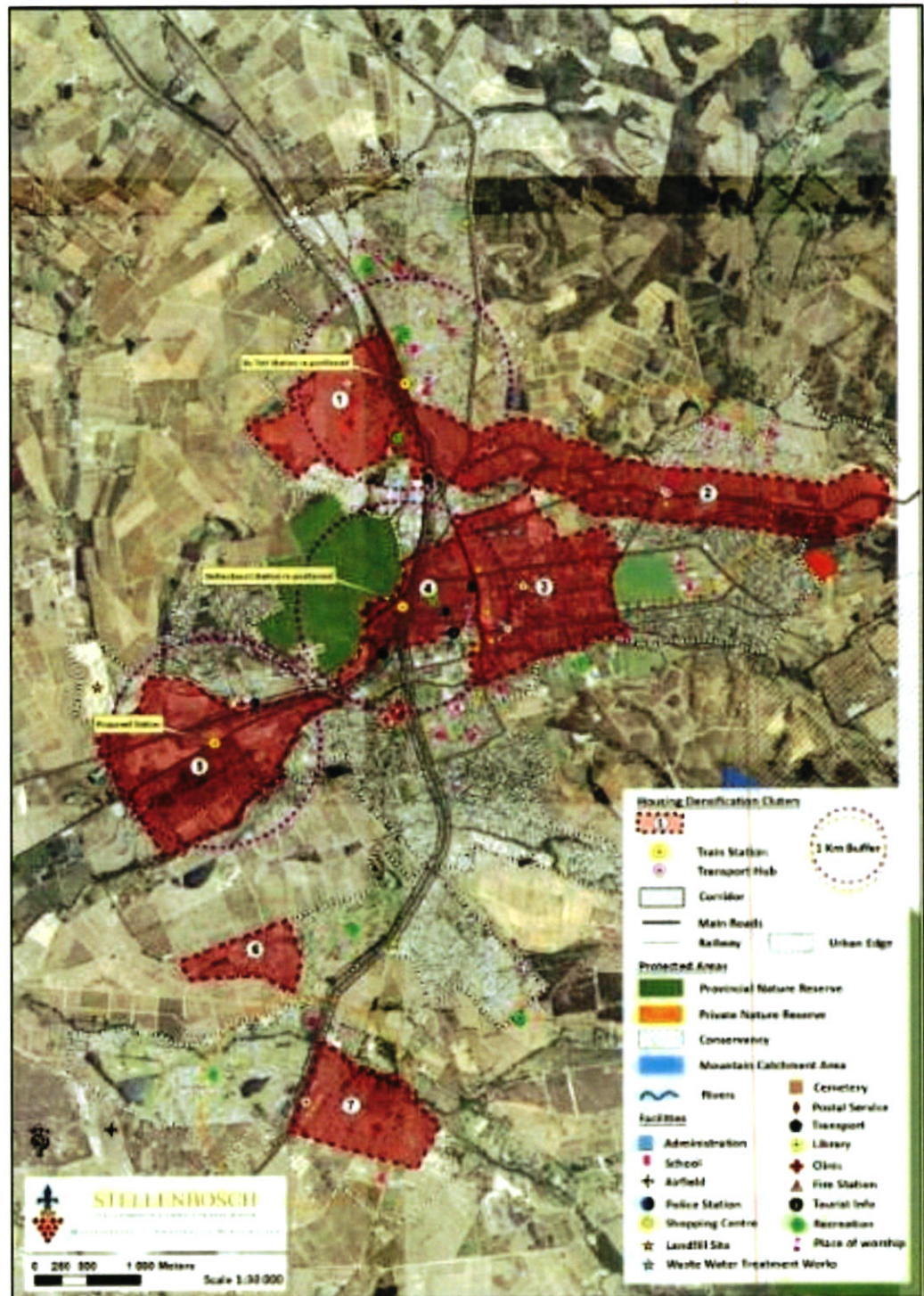


Figure 3: La Colline spatial context

Some of the original four-unit flats established around Tobruk Park still exist, creating the impression that some of the erven in the area are larger than 1 000m²,

while in reality the average size of erven in the area is around 500m², the majority of which contain semidetached double storey dwellings. All of the properties, but for those where applications for removal of the restrictive title conditions have been approved, are subject to the same title conditions limiting the use and extent of development permitted on them.

2.2 Land use motivation

As indicated above, the property is located in one of the Stellenbosch settlement restructuring zones, where more dense residential development is supported and proposed to create more affordable housing, inclusive of social housing.

The historic nature of the La Colline development, effectively with four households sharing an erf around Tobruk Park, separating the land only through clever design and planning of access and of more recent medium density developments in the area point to the acceptability of more dense residential development in the neighbourhood. Establishment of a commune on a single erf is another means of densification if the dwelling within which it is established is in a scale and form appropriate for the area.

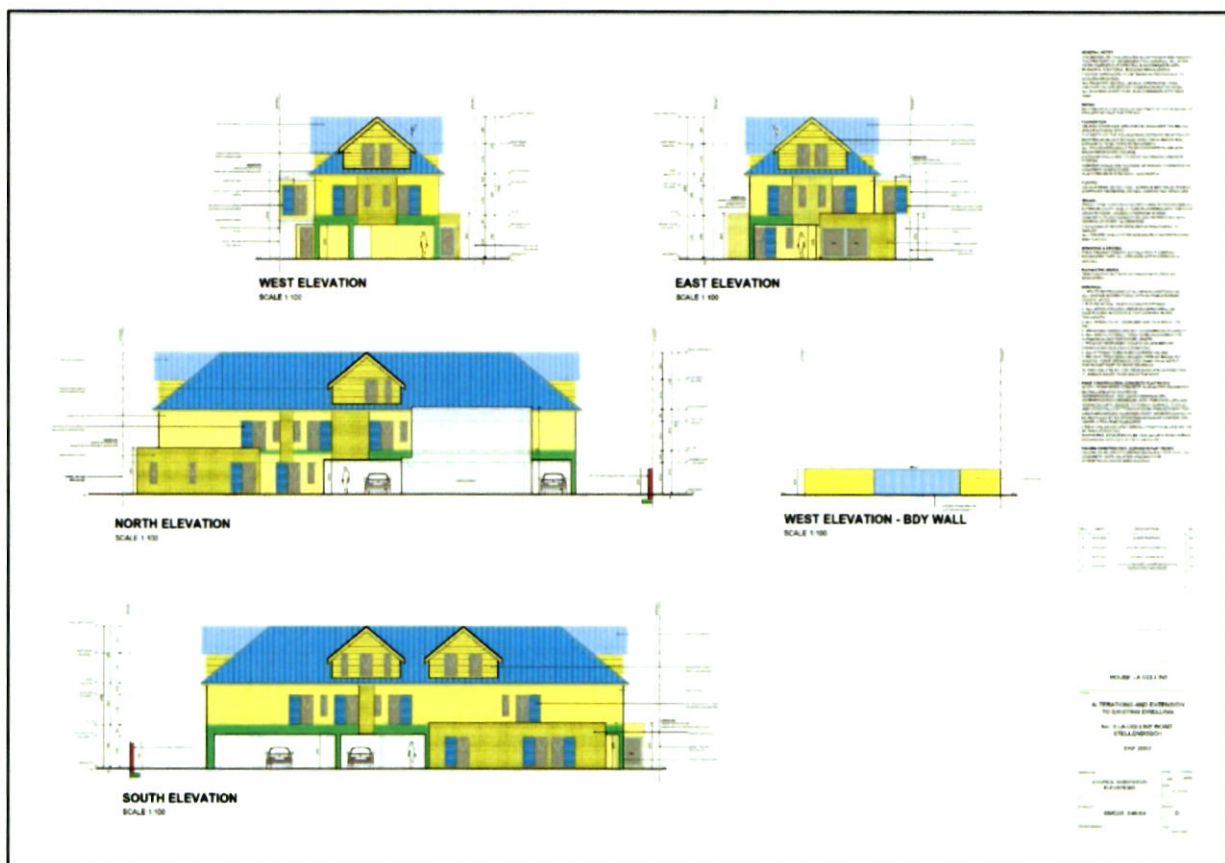


Figure 4: Architectural proposal for commune on Erf 2653

The proposed dwelling house together with the extended interleading rooms as shown in the annexure, resembles the scale and form of the dwellings in the surrounding area, albeit oriented differently on the erf. Moreover, due to the provision of undercroft parking, which is not fully visible from the La Colline Road

front, the building would appear to be a large house in the architectural style of the surrounding double storey houses.

A separate (second) communal kitchen is proposed for the commune. The restrictive title condition relating to the use of the property for a single dwelling only, needs to be removed to allow for the use of the property for a commune, effectively in a second dwelling, albeit interleaving with the main dwelling. This is as a result of the second kitchen being fitted in the communal living area¹.

An amendment of the title conditions by removal of those restricting the development to parameters which do not allow for the densification as envisaged in the spatial development policies as approved for the area, would be essential for the proposed commune. However, it would apply equally to the proposed social housing envisaged for the area. Thus, by indicating the area as a restructuring zone, the Municipality has in principle already indicated its position in this regard and an application should be considered favourably if subjected to the proper process. The process to be followed must adhere to that as determined in the judgment in the *Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape 2001(4) SA294 (C)*. It indicates that one or more of the following criteria need to be met for the successful removal of a restriction:

- a) It must be desirable to remove the restriction in the interests of the public;
- b) It must be desirable to remove the restriction in the interests of an establishment;
- c) It must be desirable to remove the restriction in the interests of a development;
or
- d) It must be desirable to remove the restriction in the interests of any area.

The judgment further indicates that any removal, amendment, or suspension of a restrictive title deed condition must be in accordance with Section 25 of the Constitution of the Republic of South Africa Act, 1996, Act 108 of 1996 (The Constitution), in so far as it implies a deprivation of land rights. The requested removal must therefore be supported by the written consent of all those affected, or beneficiary property owners as contemplated in Section 25 of The Constitution. It appears that the surrounding residents have already consented to such changes, considering the redevelopment of some dwellings in the area, with similar scaled buildings and many encroachments of the common boundary building lines.

The title deed development parameters are more restrictive than those contained in the Zoning Scheme Bylaw. The title deed restrictions were imposed in terms of the Townships Ordinance, 1934, Ordinance 33 of 1934, in 1981 with the creation of the individual erven in the then social housing development. At the time the conditions were imposed in favour of the then Administrator (now the Municipality) when the Stellenbosch Municipality did not have a township or zoning scheme through which to manage land use in the area. The title conditions are no longer

¹ Dwelling unit means a self-contained set of inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilised or intended to be utilised as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments;

appropriate to the area, where densification and more intensive land use is required to provide for more dense residential development in a manner appropriate to a settlement restructuring zone. These conditions could be removed, suspended, or relaxed where a zoning scheme is in effect. The application herewith is for removal.

Vehicular access to and egress from the property is possible off La Colline Road, albeit a street with significant pedestrian and vehicular movement opposite a school. The street has sufficient sidewalk space to allow for pedestrian movement and vehicle stacking space off the roadway for a vehicle to safely enter or exit the property.

The eight parking bays that are provided in the undercroft parking are sufficient to provide for the rooms in the commune. It however leaves the dwelling short of parking. It would be possible to create a substandard parking bay for the dwelling, on the southern side against the common boundary with Erf 2654. Such parking could occur informally, as the evidence relating to accommodation in communes indicates that not all the residents have vehicles and most commute by ride-hailing services for extended trips, and by bicycle or on foot for shorter trips inside of the town. Thus, the owner proposes to avail bicycles for the residents and thus reduce the need for parking.



Figure 5: La Colline building development satellite image

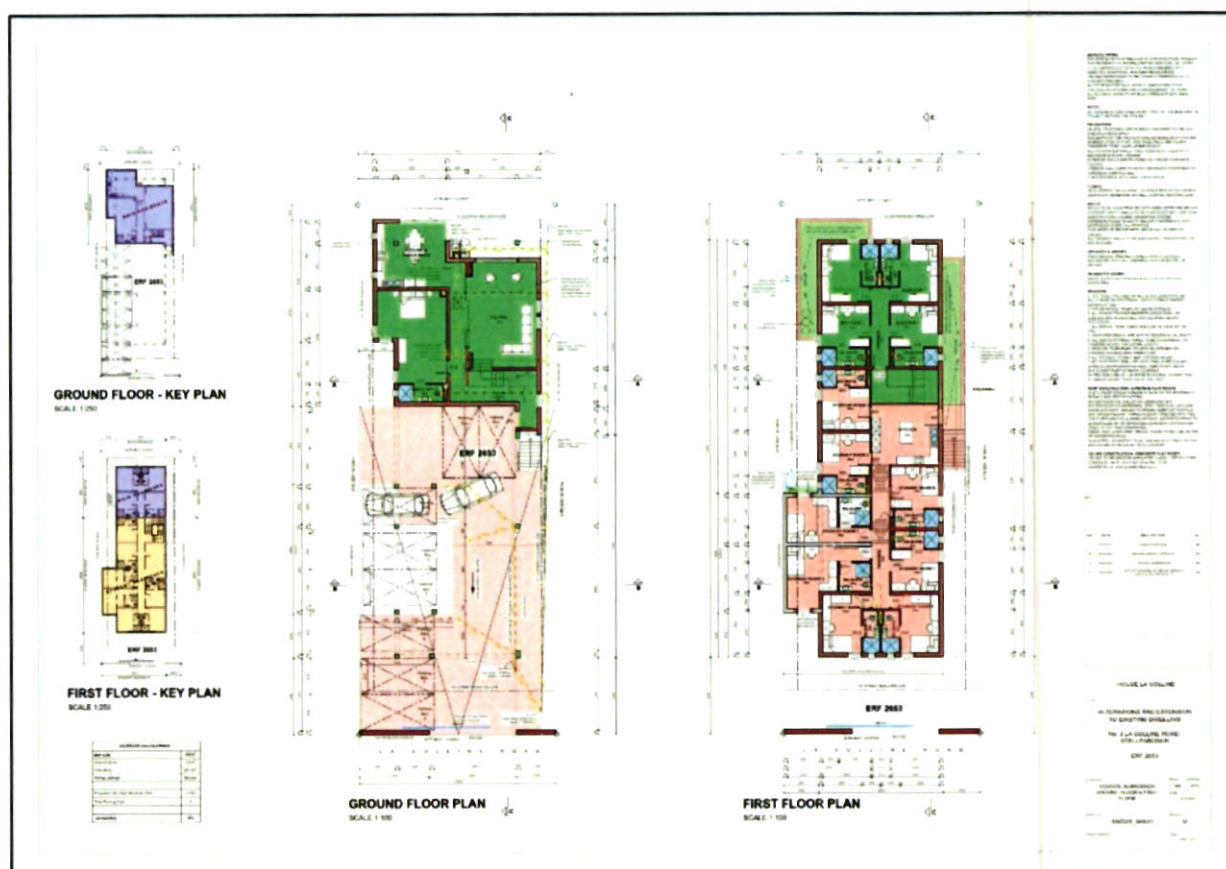


Figure 6: Erf 2653 layout plan

Due to the small size of the property, it might be necessary to exceed the coverage as in the restrictive title conditions and the Zoning Scheme Bylaw. Although the current site development plan indicates compliance with the coverage factor of 50%, the definition of coverage² would cause a coverage of 54% being applied, due to the first floor area of 267,5m².

The proposed building lines are in keeping with building lines as determined in the Zoning Scheme Bylaw. The reconstruction of the existing semidetached house used for single dwelling purposes by a new building used for a commune on the side boundary could lead to reconsideration of the building line. In view thereof, the retention of the nil metre building line is included in the application. The current land use parameters (and title conditions) allow for a dwelling unit on the common boundary. The effect of the new building attached to the neighbouring property is negligible, as the building would be converted from a dwelling house to residential accommodation in rooms, which form part of the dwelling unit.

The general welfare and safety of the residents and landowners in the area will not be affected by the proposal, which is of residential nature, and it would not cause any noise or other disturbances due to fumes or emissions. The removal of the restrictive title deed conditions as applied for will allow the owner to maximise the

² Coverage means the total area of a land unit that may be covered by buildings with a roof, expressed in square meters or as a percentage of the area of the land unit. Coverage is measured from the outer surface of outside walls of the building, and the following shall be disregarded in the calculation of coverage: ...

use of the property and facilitate its redevelopment with socio-economic benefits in keeping with the Municipality's spatial development policies.

2.3 IDP and SDF

The Integrated Development Plan 2023 (IDP), inclusive of the municipal spatial development framework approved in 2019 and as proposed for amendment in 2023 make specific provision for the intensification and densification of the so-called Adam Tas Corridor and the identified restructuring zones. While the property is just outside of the Adam Tas Corridor, it is within its sphere of influence, and it is inside of the identified restructuring zone.

The proposed redevelopment of the property and establishment of a commune is in keeping with the proposals for and policies relating to high intensity developments and densification in the area and will fit the overall character thereof.

The addition of rooms in a commune contributes to the achievement of the goal set for the increased density in Stellenbosch town (SDF paragraph 3.3). Not only that, but it also contributes to the "*densification of traditional residential areas through second dwellings, guest establishments*" as envisaged in paragraph 6.7 of the SDF.

The property will by redevelopment offer accommodation for a household and eight additional residents, where currently a single household is accommodated.

The SDF further promotes the consideration of relaxed parking requirements for appropriately located developments. Under the MSDF Policies, it states that the Municipality should: "*Move away from self-reinforcing conditions for development in terms of car parking minimum standards, and ensure the active participation and collaboration between land owner, developer, and municipality towards the provision of alternatives to car use*". The proposal is to accommodate as many vehicles as possible on the site by creating undercroft parking, thus providing sufficient parking for the commune, but leaving a bay short for the main dwelling as motivated above. This single bay shortfall could however be considered positively in view of the SDF policies, which include amongst others a decision-making checklist to be used in the consideration of development applications, in which there is specific provision to evaluate the parking requirements and to consider rational parking proposals such as contained herein.

2.4 SPLUMA Principles

The principles referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013 (SPLUMA) with reference to Chapter 2 and in Chapter VI of the Western Cape Land Use Planning Act, 2014 (LUPA), have been and are addressed in the process, with specific reference to:

A. Spatial Justice	
a. Redress	Redress is achieved by reversing the effects of past socially and spatially segregated development. By establishing a development that would cater for single residents who would

	normally not be able to afford accommodation in Stellenbosch town, it creates social opportunities for the residents, and leads to upliftment of the area.
b. Inclusion	This kind of affordable communal residential development mostly attracts students who are otherwise reliant on daily commutes to the campus, resulting in more traffic congestion. It does not attract specific race or social groups. While it would probably not contribute significantly to the creation of integrated communities, it will allow for residents who would otherwise find it difficult to afford accommodation in the town, allowing for economic integration.
c. Flexibility for all types of settlements	The surrounding area is characterised by multi- and semidetached single residential development for middle and lower middle income residents, and social housing. The proposed commune, aimed at the provision of affordable single accommodation will offer more opportunities for people wanting to live in the area, rather than commute to it daily.
d. Tenure and informality	The owner will manage the accommodation by rental agreements with the communal residents. Alternative forms of ownership are not being considered. While informality is not directly addressed through the proposed development, it does create affordable opportunities for people in an otherwise unaffordable environment.
e. Settlement upgrading	Some settlement upgrading is achieved in the process, as a small dwelling house is proposed to be redeveloped and replaced with a house of larger capacity, which will also lead to upgrading of the surrounding area over time.
f. Responsive	The development is in response to a range of needs, from the need for affordable single accommodation units to the need to densify the town centre by small-scale development.
B. Spatial Sustainability	
a. Capacity of state	The Municipality has the capacity to provide the bulk services required for the proposed development, which would have benefits for the community, amongst others by contributing to the reduction in trips to and from the town and congestion. Moreover, the Municipality has the capacity to provide non-infrastructure services such as library, health, and other social services to the residents.
b. Food security	Food security is not affected by the development.
c. Environmental sustainability	The nature of the development and the decreased need for travel by residents allow for more environmentally friendly movement patterns. The development does not have any known negative environmental effect other than the demand for infrastructure services.
d. Land markets	The proposed development does not diminish the supply of affordable land intended for the provision of subsidised housing or community facilities. While it falls inside of the restructuring zone, it does not occupy one of the identified erven earmarked for redevelopment by the Municipality.

e. Costs of infrastructure	The engineering services analysis in support of the SDF proposals and identified restructuring zone indicate that sufficient municipal infrastructure services exist in the surrounding area, and in the bulk services, to accommodate the proposed development, with minor upgrading.
f. Sustainable settlements	Settlement sustainability includes amongst others, the efficiency of the development in the use of scarce resources and its contribution to carbon emissions and other climate change catalysts. Due to the location and nature of the commune, few of the residents would need vehicles to travel inside of Stellenbosch town, and probably only for traveling to the town and back to their origins. The development will satisfy the SANS requirements for energy efficient development, inclusive of water saving and other similar systems that contribute to the environmental sustainability of the development.
g. Innovation	None.
h. Context specific development	The development is primarily focused on the provision of affordable accommodation for single residents in proximity of the academic institutions in town. It creates an opportunity for students and singles who would otherwise not be able to afford accommodation in town.
C. Efficiency	
a. Optimises use of existing resources	As indicated in the SDF, the La Colline land resources are under-utilised and could be better utilised, to improve on the socio-economic efficiencies of the town. Infill development benefits municipal service provision, making collection routes shorter, increasing the intensity of use of existing infrastructure and reducing traffic and daily commuter movement.
b. Processes to limit negative impact	No negative impacts have been identified.
c. Streamlined processes	The municipal land use consideration process is unfortunately not efficient.
d. Innovation	None to report.
e. Spatial Performance Management	Performance is a reflection of how a development was designed and built and should be a reflection of the community in which it exists. The success of a commune depends on how well it is managed after completion and the success of the development in community context is how it contributes to uplifting the socio-economic situation. It remains to be assessed.
f. Development Planning Tools	The Municipality needs to implement planning processes and structures that can efficiently respond to development applications and shorten the timelines for evaluation and decision-making.
g. Institutionalise for Efficiency	As above, systems and processes need to be implemented by the Municipality to lead to efficiencies in the development process and resultant willingness of investors to support development projects.
D. Resilience	

a. Sustainable livelihoods	Although at a small and local scale, the proposed development and especially the better use of the land are likely to improve the economic outlook for some of the local residents.
b. Resilience against shocks [avoid + bounce back ability]	Given the expected positive socio-economic effects of the proposed development it should improve the resilience of the surrounding community without any expected negative effects that could jeopardise their situation.
c. Innovation	None.
d. Context specific	By fulfilling a demand for more affordable accommodation,. This improves the resilience of the tourism sector, as more visitors can come to the town more often regardless of the seasonal fluctuations in accommodation costs.
e. Flexibility	The apartment hotel creates flexibility in the provision of accommodation for visitors. Not only does it create more affordable accommodation units which could be occupied for longer periods due to the affordability thereof, but it also allows owners and visitors to visit the town year round without being impeded by seasonal peak bookings.
E. Good Administration	
a. Planning Decision-making tools	The Municipality needs to introduce a system whereby developments with economic benefit are prioritised and dealt with expeditiously. This significantly improves investor outlook and causes investors to participate in projects from the early stages.
b. IGR and integrated approach	No comment.
c. Meet time frames	As part of the decision-making system, the Municipality must provide a decision-making process program and continuously update the system to ensure the meeting of timeframes.
d. Transparency	Meetings and communications need to be recorded and shared, leading to transparency in the decision-making process.
e. Community empowerment	Public participation for development applications ensures that those owners and residents who could potentially be affected by the proposed development have the opportunity to give input on the development proposal.
f. Spatial Performance Management	Performance is to be measured against the success of the development in uplifting the surrounding area and improving the socio-economic situation. It remains to be assessed.
g. Values	It is obvious that the Municipality attaches value to social housing and the creation of affordable accommodation by investment in the town, as highlighted in the SDF.

Municipalities have been tasked with driving spatial transformation. The achievement of the spatial transformation objective must be measured against the reaching of the need to improve on inclusivity, mobility and access, economic development that drives local and regional growth prospects and transforms space in a manner that is socially and environmentally sustainable. The proposed

commune can form one of the building blocks for the redevelopment of the La Colline neighbourhood in keeping with the vision for it to become a settlement restructuring zone and will therefore contribute to the achievement of the spatial transformation objective even if it is a small development.

While there is no agreed definition for spatial transformation, it is referred to as "*major urban change or restructuring*" with resulting socio-economic benefit, which is a likely outcome for the development as set in the surrounding community. The addition of singles accommodation in a commune makes it possible for lower income residents to reside in Stellenbosch rather than having to commute to it daily. This will reduce the number of vehicles causing the congestion on the road network and increase the number of residents who stay in the town and make use of the social and economic opportunities.

2.5 Provincial planning

The principles referred to in Chapter VI of the LUPA, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered, as are elaborated on above. In addition, the proposal adheres to the policy guidelines of the Western Cape Provincial Spatial Development Framework (PSDF).

- ✓ The PSDF focuses strongly on densification and intensification of urban areas to achieve its desired outcomes. The average gross residential density of urban areas should increase to 25 units / ha before extensions to an urban edge are considered. In this instance the urban edge is not relevant to the argument, the proposal being consistent with the SDF, as indicated above.
- ✓ The policy of more intense use of nodes and urban core areas further requires consideration of the bio-physical environment, cultural heritage, municipal infrastructure services and social infrastructure issues and factors. With these in mind, the density targets should be achieved by allowing a variety of development methodologies, including, but not limited to demolition and redevelopment of existing properties; utilisation of vacant and under-utilised land and changing of permitted land use of existing developments. The purpose of densification is primarily to maintain sustainable supplies of natural resources, for food production and ecological functioning, to achieve more economical use of municipal services infrastructure and community facilities, provide for efficient public transport services and reduce traveling distances to a variety of opportunities. This fits with the location of the property in an urban area with full services, in proximity of major feeder roads, where social housing is envisaged and a commune will not have any significant negative consequences or effect, and where the future residents can walk to the various social and economic opportunities in the town.
- ✓ The proposed use of the property for a main and second dwelling accommodating a commune in a building that retains the scale and form of buildings in the area, contributes to intensification and densification by appropriate use of the property in terms of its location. It leads to improvement of the efficiencies in service provision as set out above, on under-

utilised land within an identified urban node. It does not diminish the supply of ecological or agricultural resources, opportunities for redress, or improved spatial integration with access to land for those previously dispossessed.

2.6 Heritage

The proposed land development does not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999. The house was built in the mid 1950's but has been renovated and changed over time. There are no townscape character area guidelines applicable to the surrounding area and the proposed dwelling will fit the character of the original social housing buildings erected in the neighbourhood.

2.7 Engineering

Storm water, water and sewerage services are existing, and the demand will not change significantly. Solid waste is removed by the Municipality. The existing connections are sufficient and could be replaced with new connections for the proposed redevelopment.

Electrical services and capacity are existing, but an upgraded connection might be required to service the second dwelling and commune.

The proposed use will add minimal additional traffic to the area. No upgrading of the road infrastructure is required.

3. CONCLUSION

From the above it is clear that the La Colline neighbourhood is identified as a social housing settlement restructuring area and that according to the spatial development policies of the Municipality it can accommodate change. Increased density and more affordable residential opportunities in the area are desirable and promoted in the Spatial Development Framework. Approval of the proposed use of the property for a second dwelling and a commune and the simultaneous removal of the restrictive title conditions will allow for the development of a commune providing affordable accommodation with eight rooms to residents who would otherwise not be able to afford accommodation in the town and would have to commute daily, with obvious negative effects.

The removal of the restrictive title conditions will also allow for the redevelopment and more intense residential use of Erf 2653 in terms of the land development parameters as set out in the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 without any identified negative effect on the surrounding properties, many of which will over time be redeveloped with similar buildings and uses in keeping with the spatial development policies applicable to the neighbourhood.

In view of the above, the following applications could therefore be approved:

- 3.1 Application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, for a permanent departure from the development parameters of the zoning scheme:

- to encroach the side building line and to reconstruct the existing building for undercroft parking onto the side boundary where currently exists a semi-detached dwelling; and
- for the provision of eight parking bays instead of the required ten bays.

3.2 Application in terms of Section 15(2)(f) of the Land Use Planning Bylaw for a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for a commune in a second dwelling and buildings that exceed the coverage and building lines as determined in the title deed as detailed in the attached conveyancer's certificate and title deed (Annexure D and E):

- A. *ONDERHEWIG VERDER aan die volgende spesiale voorwaardes opgelê kragtens Transportakte No T30920/1981 deur die Administrateur van die Kaapprovinsie kragtens Ordonnansie No 33 van 1934, by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding Nr 2 naamlik:-*
 - *5. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-*
 - *(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
 - *(c) not more than half the area thereof shall be built upon;*
 - *(d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected with the above prescribed the rear space, provided further that in the event of a pair of semi-detached houses being erected on this land and the adjoining erf, no building line restriction shall apply to the lateral boundary colinear with the dividing wall of the two residential units."*

3.3 Section 15(2)(o) of the Land Use Planning Bylaw for a consent use as contemplated in Section 53 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms on the property together with a main dwelling.

3.4 Application for a second dwelling by technical consideration as contemplated in Sections 13 and 49 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms with a communal kitchen on the property together with a main dwelling.

ANNEXURE A: LOCALITY

ANNEXURE B: APPLICATION AUTHORISATION

ANNEXURE C: APPLICATION FORM



STELLENBOSCH

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Dupré		
Surname	Lombaard		
Company name (if applicable)	Virdus Works (Pty) Ltd		
Postal Address	3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch		
		Postal Code	7600
Email	dupre.lombaard@virdus.com		
Tel		Fax	
		Cell	082 895 6362

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	Rotherhithe (Pty) Ltd (Reg. No. 2020/877785/07)		
Physical address	2 Jan van Ceylon, De Zalse, Stellenbosch		
		Postal code	7600
E-mail	daniel@ultimaterealestate.co.uk		
Tel		Fax	
		Cell	+44 776 667 4446

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	2653	Portion(s) if Farm		Allotment area	Stellenbosch
Physical Address	3 La Colline Road, Stellenbosch				
Current Zoning	Conventional Residential Zone	Extent	495m ²	Are there existing buildings?	Y
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Bylaw, 2019				
Current Land Use	Dwelling house to be demolished				
Title Deed number and date	T	18389/2021			
Attached Conveyance's Certificate	Y	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate			
Are the restrictive conditions in	N	If Yes, list the party(ies):			

favour of a third party(ies)?								
Is the property encumbered by a bond?		N	If Yes, list the bondholder(s):					
Is the property owned by Council?		N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management					
Is the building located within the historical core?		N	Is the building older than 60 years?	Y		Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?				N	If yes, is this application to legalize the building / land use ² ?			N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				N	Are there any land claim(s) registered on the subject property(ies)?			N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?		N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?		N	If yes, please attach the written feedback received.

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>
	15(2)(a) rezoning of Land
X	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
X	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
X	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
X	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
TOTAL A:	R

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

**All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579

*** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	Virdus Works (Pty) Ltd
Postal Address	3 rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600
Vat Number (where applicable)	4530303074

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side	Erf 2652	From	0,0 m	To	0,0 m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage			From		To	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From		To	
Exceeding height restriction			From	m	To	m
Exceeding maximum storey height			From	m	To	m
Consent/Conditional Use/Special Development						
Other (please specify)	Departure from the parking requirement. Parking provision of 8 bays instead of 10 (8 x 1 bay/room + 2 bay / dwelling house).					

Brief description of proposed development / intent of application:

Application for consent use to allow for the development of a commune in a second dwelling. The title deed of the property contains restrictions which require removal to permit the proposed use. Conditions A 5(b), (c), and (d). These conditions restrict the use to a single dwelling, determine that no building or structure shall be erected nearer than 4,72m of the street, 3,15m of the rear boundary, and 1,57m of a lateral boundary, unless a semi-detached dwelling is constructed thereon, in which case no building line restriction shall apply to the affected common boundary. The conditions also determine a maximum coverage of 50%. Due to the provision of a kitchen for the commune residents, application is also made for a second dwelling on the property.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y		Power of attorney / Owner's consent if applicant is not owner		N	Bondholder's consent (if applicable)
Y		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		N	Proof of any other relevant right held in the land concerned
Y		Written motivation pertaining to the need and desirability of the proposal	Y		S.G. diagram / General plan extract (A4 or A3 only)
Y		Locality plan (A4 or A3 only) to scale	Y		Site development plan or conceptual layout plan (A4 or A3 only) to scale
	N	Proposed subdivision plan (A4 or A3 only) to scale		N	Proof of agreement or permission for required servitude
	N	Proof of payment of application fees	Y		Proof of registered ownership (Full copy of the title deed)

Y		Conveyancer's certificate			N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)	
		N/A	Consolidation plan (A4 or A3 only) to scale			N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
		N/A	Street name and numbering plan (A4 or A3 only) to scale				
		N/A	Landscaping / Tree plan (A4 or A3 only) to scale			N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
		N/A	Abutting owner's consent			N/A	Home Owners' Association consent
		N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)			N/A	Services Report or indication of all municipal services / registered servitudes
		N/A	Copy of original approval and conditions of approval			N/A	Proof of failure of Home owner's association
		N/A	Proof of lawful use right			N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y			Required number of documentation copies			N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.				Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)			N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			N/A	National Water Act, 1998 (Act 36 of 1998)
	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			N/A	Other (specify)
	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.				

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature: _____

Date: _____

14/08/2023

Full name: _____

Dupré Lombaard

Professional capacity: _____

Registered planner - SACPLAN B/8076/1998

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

ANNEXURE D: CONVEYANCER'S CERTIFICATE

ANNEXURE E: TITLE DEEDS

ANNEXURE F: DIAGRAM

ANNEXURE G: SITE DEVELOPMENT PLAN



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Dupré				
Surname	Lombaard				
Company name (if applicable)	Virdus Works (Pty) Ltd				
Postal Address	5 Vygeboom Close, Durbanville			Postal Code	7550
Email	dupre.lombaard@virdus.com				
Tel		Fax		Cell	082 895 6362

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	Rotherhithe (Pty) Ltd (Reg. No. 2020/877785/07)				
Physical address	2 Jan van Ceylon, De Zalse, Stellenbosch			Postal code	7600
E-mail	daniel@ultimaterealestate.co.uk				
Tel		Fax		Cell	+44 776 667 4446

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	2653	Portion(s) if Farm		Allotment area	Stellenbosch	
Physical Address	3 La Colline Road, Stellenbosch					
Current Zoning	Conventional Residential Zone	Extent	495m ²	Are there existing buildings?	Y	
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Bylaw, 2019					
Current Land Use	Dwelling house to be demolished					
Title Deed number and date	T	18389/2021				
Attached Conveyance's Certificate	Y	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate				
Are the restrictive conditions in	N	If Yes, list the party(ies):				

favour of a third party(ies)?			
Is the property encumbered by a bond?		N	If Yes, list the bondholder(s):
Is the property owned by Council?		N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management
Is the building located within the historical core?		N	Is the building older than 60 years?
			Y
			Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹
			N
			If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?		N	If yes, is this application to legalize the building / land use ² ?
			N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		N	Are there any land claim(s) registered on the subject property(ies)?
			N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?		N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?		N	If yes, please attach the written feedback received.

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>
	15(2)(a) rezoning of Land
X	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
X	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
X	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
X	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws	R
	Consent / Permission required in terms of a title deed	R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
	Other (specify): _____	R
TOTAL A:		R

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

**All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@ Stellenbosch.gov.za or 021 808 8501 or 021 808 8579

*** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	Virdus Works (Pty) Ltd
Postal Address	5 Vygeboom Close, Vygeboom, Durbanville, 7550
Vat Number (where applicable)	4530303074

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From		To		
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
Other (please specify)	Departure from the parking requirement. Parking provision of 8 bays instead of 9 (8 x 1 bay/room + 1 bay / dwelling house).					

Brief description of proposed development / intent of application:

Application for consent use to allow for the development of a commune in a second dwelling. The title deed of the property contains restrictions which require removal to permit the proposed use. Conditions A 5(b), (c), and (d). These conditions restrict the use to a single dwelling, determine that no building or structure shall be erected nearer than 4,72m of the street, 3,15m of the rear boundary, and 1,57m of a lateral boundary, unless a semi-detached dwelling is constructed thereon, in which case no building line restriction shall apply to the affected common boundary. The conditions also determine a maximum coverage of 50%. Due to the provision of a kitchen for the commune residents, application is also made for a second dwelling on the property.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y		Power of attorney / Owner's consent if applicant is not owner		N	Bondholder's consent (if applicable)
Y		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		N	Proof of any other relevant right held in the land concerned
Y		Written motivation pertaining to the need and desirability of the proposal	Y		S.G. diagram / General plan extract (A4 or A3 only)
Y		Locality plan (A4 or A3 only) to scale	Y		Site development plan or conceptual layout plan (A4 or A3 only) to scale
	N	Proposed subdivision plan (A4 or A3 only) to scale		N	Proof of agreement or permission for required servitude
	N	Proof of payment of application fees	Y		Proof of registered ownership (Full copy of the title deed)

Y		Conveyancer's certificate			N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
		N/A	Consolidation plan (A4 or A3 only) to scale			
		N/A	Street name and numbering plan (A4 or A3 only) to scale		N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
		N/A	Landscaping / Tree plan (A4 or A3 only) to scale		N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
		N/A	Abutting owner's consent		N/A	Home Owners' Association consent
		N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)		N/A	Services Report or indication of all municipal services / registered servitudes
		N/A	Copy of original approval and conditions of approval		N/A	Proof of failure of Home owner's association
		N/A	Proof of lawful use right		N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y			Required number of documentation copies		N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	N/A
	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	N/A
	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	N/A
	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	N/A
	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature: _____

Date: _____

30/05/2023

Full name: _____

Dupré Lombaard

Professional capacity: _____

Registered planner - SACPLAN B/8076/1998

FOR OFFICE USE ONLY

Date received: _____

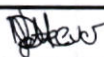
Received By: _____

Municipal Stamp

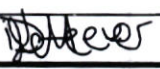
ANNEXURE B: APPLICATION AUTHORISATION

LETTER OF AUTHORISATION / POWER OF ATTORNEY

(Requirement in terms of the Municipal Planning Bylaw and other relevant legislation)

Herewith the undersigned representative of:	
Company / Trust:	ROTHERHITHE (PTY) LTD
Reg. No.:	2020/877785/07
Full name:	Daniel Johannes van den Heever
ID. No.:	7903155009085
Property:	Erf 2653, Stellenbosch
Located at:	3 La Colline Road, Stellenbosch
confirms that permission and special power of attorney has been granted to Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07) and Dupré Lombaard to act on the behalf of the land owner(s) to perform any act which he / she / it may be legally entitled to undertake to accomplish the following objectives and goals in terms of the Municipal Planning Bylaw and any other applicable legislation, including but not limited to: the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970, Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, National Environmental Management Act, 1998, Act 107 of 1998, National Heritage Resources Act, 1999, Act 25 of 1999 and National Building Regulations and Building Standards Act, 1977, Act 103 of 1977.	
Application for a commune or accommodation of residents in the existing dwelling and outbuildings	
Contact details (physical address / phone / fax):	
Physical address:	02 Jan van Ceylon
De Zalze, Stellenbosch 7600	
Postal address:	
Telephone:	
Facsimile:	
Cellular:	07766674446
Email:	Daniel@ultimaterealestate.co.uk
VAT no.:	
Signed:	 Digitally signed by Daniel Johannes van den Heever Date: 2023.04.13 23:18:46 +01'00'
Date:	13/04/2023
By my signature(s) I confirm that I have been fully authorised to act on behalf the above landowner (annex the applicable resolution or other proof of authorisation to act on behalf of a juristic person hereto).	

RESOLUTION BY THE DIRECTORS OF

Company name:	ROTHERHITHE (PTY) LTD		
Registration number:	202/087778/507		
IT WAS RESOLVED THAT:	The Directors of the Company hereby authorise		
Full name:	Daniel Johannes van den Heever		
ID. No.	7903155009085		
as representative of the Board, the owner of			
Property description:	Erf 2653, Stellenbosch		
located at (address):	3 La Colline Road, Stellenbosch		
to sign all documents, appointments and agreements, as may be required for the day to day management of the land development and related applications for the property.			
The permitted actions include the appointment of and Power of Attorney to Dupré Lombaard of Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) as development management consultant to sign and submit all applications for approval and authorisation required for the achievement of the envisaged land development outcomes, namely:			
Application for permission to accommodate residents on the property as a			
commune or other			
inclusive of authorisations and applications in terms of any applicable legislation, including but not limited to the:			
• Land Use Planning Bylaw / Zoning Scheme			✓
• Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940			
• National Environmental Management Act, 1998, Act 107 of 1998			
• National Heritage Resources Act, 1999, Act 25 of 1999			
• Other			
Signed in:	Stellenbosch		
Date:	13 April 2023		
Signature:			
Director name:	Daniel Johannes van den Heever		
Signature:			
Director name:	Carel Jacobus Engelbrecht		
Signature:			
Director name:			
Signature:			
Director name:			

**LAND DEVELOPMENT APPLICATION FOR:
REMOVAL OF TITLE CONDITIONS AND CONSENT
USE OF
ERF 2653, STELLENBOSCH**



May 2023

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ANNEXURE

- ANNEXURE A: LOCALITY
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- ANNEXURE F: DIAGRAM
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EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 2653, STELLENBOSCH SG Code: C067002200000265300000 / Location: Lat: 33° 55' 24.83" S Lon: 18° 51' 32.67" E	
Owner: Rotherhithe (Pty) Ltd (Reg. No. 2020/877785/07) Represented by: Mr DJ van den Heever Cellular phone: +44 7766 67 4446 E-mail: daniel@ultimaterealestate.co.uk Address: 02 Jan van Ceylon, De Zalse, Stellenbosch, 7600	Project Consultant: Mr Dupré Lombaard Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 SACPLAN: B/8076/1998 Cellular phone: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 5 Vygeboom Close, Vygeboom, Durbanville, 7550, South Africa

Rotherhithe has acquired Erf 2653, Stellenbosch (3 La Colline Street) and wishes to convert the house and existing outbuildings for accommodation purposes as a commune, requiring a consent use application. The property is improved with a semi-detached double storey dwelling and outbuildings, erected onto the common boundaries, while the title deed of the property determines restrictive boundary building lines, thus requiring an application for the removal of the restrictive title conditions. The property has an area of 495m². It is located opposite the AF Louw Primary School in the area identified as a settlement restructuring zone in the Stellenbosch Spatial Development Framework. It is not of heritage significance, having been reconstructed and added to in recent times since 2009.

The title deed (T18389/2021) contains the aforementioned restrictions which require removal to permit the further redevelopment of the property under conditions A 5(b), (c), and (d). These conditions restrict the use to a single dwelling, determine that no building or structure shall be erected nearer than 4,72m of the street, 3,15m of the rear boundary, and 1,57m of a lateral boundary, unless a semi-detached dwelling is constructed thereon, in which case no building line restriction shall apply to the affected common boundary. The conditions also determine a maximum coverage of 50%. Due to the provision of a kitchen for the commune residents, application is also made for a second dwelling on the property.

The application is made in keeping with Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 as well as Section 13 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 for a technical approval of a second dwelling. The application covers the following aspect(s):

- (1) Section 15(2)(b) a permanent departure from the development parameters of the zoning scheme to encroach the building lines and to construct the building onto the side boundary, in replacement of the existing dwelling, and for the provision of eight parking bays instead of the required nine bays;

- (2) Section 15(2)(f) a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for a commune in buildings that exceed the building lines as determined in the title deed;
- (3) Section 15(2)(o) for a consent use as contemplated in Section 53 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019; and
- (4) Sections 13 and 49 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 for a second dwelling by technical consideration to allow for the establishment of a commune consisting of eight rooms with a communal kitchen and living area on the property together with a main dwelling.

1. BACKGROUND

1.1 Introduction

Erf 2653, 495m² in extent, is located at 3 La Colline Street in Stellenbosch, opposite the AF Louw Primary School. It contains a semidetached double storey dwelling house, with outbuildings and flatlets used for the accommodation of individuals. The township was established in 1956 by the subdivision of a neighbourhood developed for social housing by the then national Housing Commission. It is located in an area identified as a restructuring zone, where higher density residential development is promoted due to its location in proximity of transport infrastructure, educational and other community facilities, as well as economic opportunities.

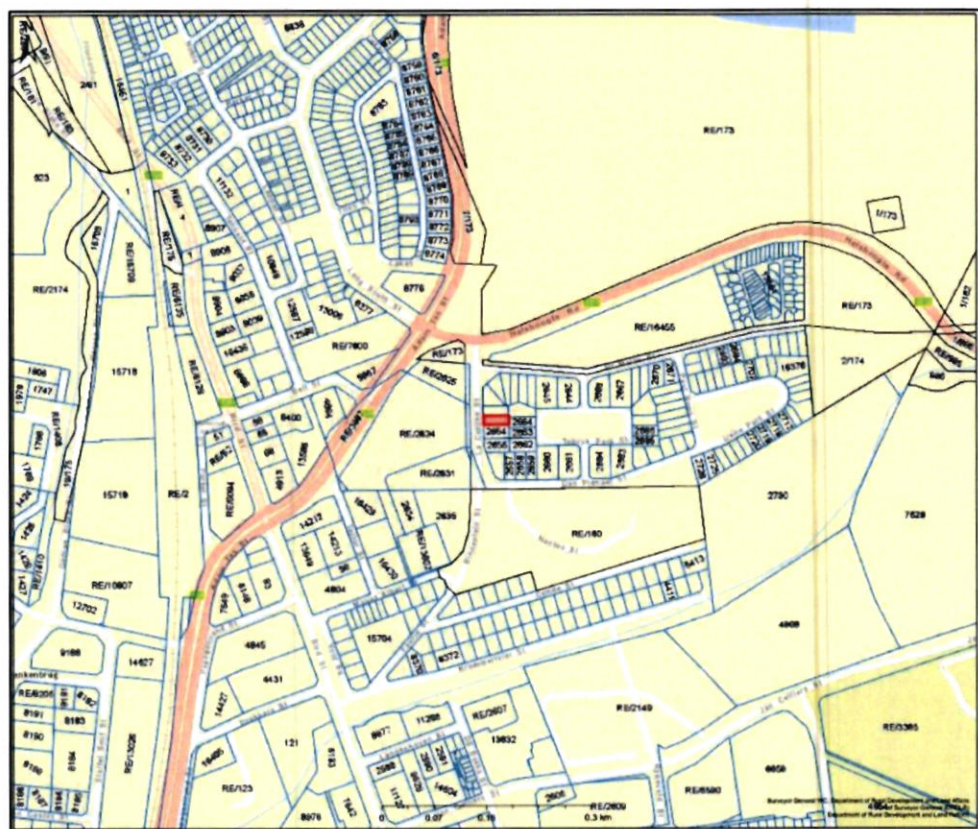


Figure 1: Erf 2653 locality shown in red

The property is ideally located in an area identified for more intense residential uses within walking distance of the Stellenbosch CBD, the University, and schools. There is ample open space in the area and major transport infrastructure, making it an ideal locality for densification and the establishment of a commune by reconstruction and reconfiguration of the existing buildings, subject to the removal of the restrictive title conditions.

With the proposed redevelopment, eight separate bedrooms could be created in an interleading dwelling, over and above the main dwelling house, with parking for eight cars under croft (below) the elevated rooms intended for communal living. The building does however not comply with the building lines as provided in the

title conditions and a second kitchen is proposed in it, causing it to be deemed a second dwelling.

1.2 Title deed

The title deed (T18389/2021) contains restrictions which require removal to permit the redevelopment of the property under conditions A 5(b), (c), and (d). These conditions determine that the erf shall be used for a single dwelling only, that no building or structure shall be erected nearer than 4,72m of the street, 3,15m of the rear boundary, and 1,57m of a lateral boundary, unless a semi-detached dwelling is constructed thereon, in which case no building line restriction shall apply to the affected common boundary. The conditions also determine a maximum coverage of 50%.

1.3 Land use planning / land development application

1.3.1 Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, for a permanent departure from the development parameters of the zoning scheme:

- to encroach the side building line and to reconstruct the existing building for undercroft parking onto the side boundary where currently exists a semi-detached dwelling; and
- for the provision of eight parking bays instead of the required nine bays.

1.3.2 Section 15(2)(f) of the Land Use Planning Bylaw for a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for a commune in a second dwelling and buildings that exceed the building lines as determined in the title deed as detailed in the attached conveyancer's certificate and title deed (Annexure D and E):

- *A. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes opgelê kragtens Transportakte No T30920/1981 deur die Administrateur van die Kaapprovinsie kragtens Ordonnansie No 33 van 1934, by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding Nr 2 naamlik:-*
 - *5. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-*
 - *(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
 - *(c) not more than half the area thereof shall be built upon;*
 - *(d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of*

this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected with the above prescribed the rear space, provided further that in the event of a pair of semi-detached houses being erected on this land and the adjoining erf, no building line restriction shall apply to the lateral boundary colinear with the dividing wall of the two residential units."

- 1.3.3 Section 15(2)(o) of the Land Use Planning Bylaw for a consent use as contemplated in Section 53 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms on the property together with a main dwelling.
- 1.3.4 Application is also made for a second dwelling by technical consideration as contemplated in Sections 13 and 49 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms with a communal kitchen on the property together with a main dwelling.

2. LAND DEVELOPMENT APPLICATION AND MOTIVATION

2.1 Development context

The subject property is located in one of the identified housing densification areas, where amongst others social housing is envisaged. It is opposite the AF Louw Primary School and within 500m of Du Toit Station and 1 000m of the Stellenbosch University campus. Helshoogte Road (R310) is approximately 100m north of the property.



Figure 2: La Colline township outline (GP 8036/1956)

Houses in the township area (Stellenbosch Extension 2; GP 8036/1956) are being modernised and redeveloped following disposal of the erstwhile provincial social housing to individual owners. Some houses have retained their original scale and form, mostly double storey semidetached houses, while others have been converted to accommodate additional dwelling units and rooms (flatlets) for the accommodation of individuals and small households.

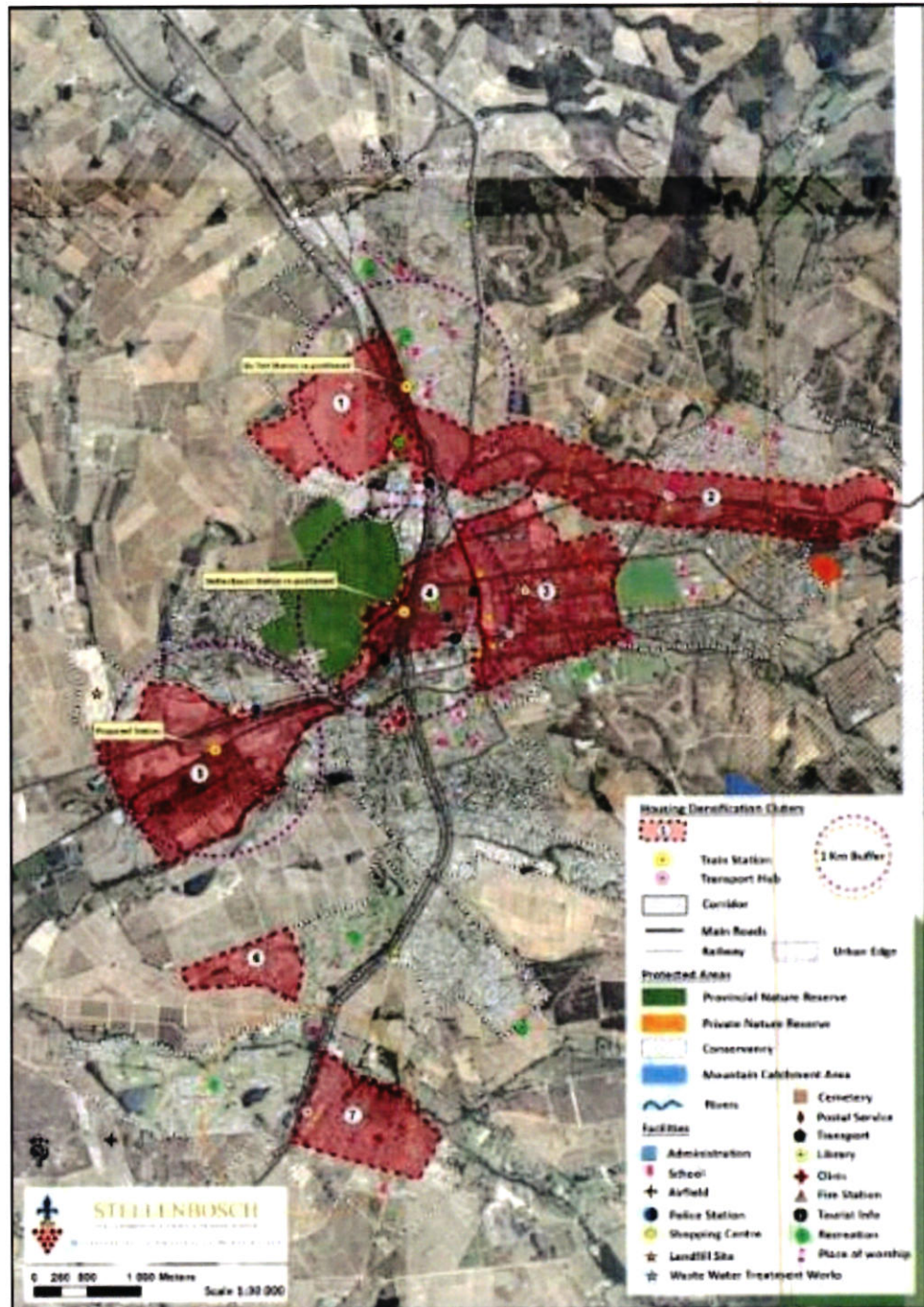


Figure 3: La Colline spatial context

Some of the original four-unit flats established around Tobruk Park still exist, creating the impression that some of the erven in the area are larger than 1 000m²,

while in reality the average size of erven in the area is around 500m², the majority of which contain semidetached double storey dwellings. All of the properties, but for those where applications for removal of the restrictive title conditions have been approved, are subject to the same title conditions limiting the use and extent of development permitted on them.

2.2 Land use motivation

As indicated above, the property is located in one of the Stellenbosch settlement restructuring zones, where more dense residential development is supported and proposed to create more affordable housing, inclusive of social housing.

The historic nature of the La Colline development, effectively with four households sharing an erf around Tobruk Park, separating the land only through clever design and planning of access and of more recent medium density developments in the area point to the acceptability of more dense residential development in the neighbourhood. Establishment of a commune on a single erf is another means of densification if the dwelling within which it is established is in a scale and form appropriate for the area.



Figure 4: Architectural proposal for commune on Erf 2653

The proposed dwelling house together with the extended interleading rooms as shown in the annexure, resembles the scale and form of the dwellings in the surrounding area, albeit oriented differently on the erf. Moreover, due to the provision of undercroft parking, which is not fully visible from the La Colline Road

front, the building would appear to be a large house in the architectural style of the surrounding double storey houses.

A separate (second) communal kitchen is proposed for the commune. The restrictive title condition relating to the use of the property for a single dwelling only, needs to be removed to allow for the use of the property for a commune, effectively in a second dwelling, albeit interleading with the main dwelling. This is as a result of the second kitchen being fitted in the communal living area¹.

An amendment of the title conditions by removal of those restricting the development to parameters which do not allow for the densification as envisaged in the spatial development policies as approved for the area, would be essential for the proposed commune. However, it would apply equally to the proposed social housing envisaged for the area. Thus, by indicating the area as a restructuring zone, the Municipality has in principle already indicated its position in this regard and an application should be considered favourably if subjected to the proper process. The process to be followed must adhere to that as determined in the judgment in the *Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape 2001(4) SA294 (C)*. It indicates that one or more of the following criteria need to be met for the successful removal of a restriction:

- a) It must be desirable to remove the restriction in the interests of the public;
- b) It must be desirable to remove the restriction in the interests of an establishment;
- c) It must be desirable to remove the restriction in the interests of a development;
or
- d) It must be desirable to remove the restriction in the interests of any area.

The judgment further indicates that any removal, amendment, or suspension of a restrictive title deed condition must be in accordance with Section 25 of the Constitution of the Republic of South Africa Act, 1996, Act 108 of 1996 (The Constitution), in so far as it implies a deprivation of land rights. The requested removal must therefore be supported by the written consent of all those affected, or beneficiary property owners as contemplated in Section 25 of The Constitution. It appears that the surrounding residents have already consented to such changes, considering the redevelopment of some dwellings in the area, with similar scaled buildings and many encroachments of the common boundary building lines.

The title deed development parameters are more restrictive than those contained in the Zoning Scheme Bylaw. The title deed restrictions were imposed in terms of the Townships Ordinance, 1934, Ordinance 33 of 1934, in 1981 with the creation of the individual erven in the then social housing development. At the time the conditions were imposed in favour of the then Administrator (now the Municipality) when the Stellenbosch Municipality did not have a township or zoning scheme through which to manage land use in the area. The title conditions are no longer

¹ *Dwelling unit means a self-contained set of inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilised or intended to be utilised as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments;*

appropriate to the area, where densification and more intensive land use is required to provide for more dense residential development in a manner appropriate to a settlement restructuring zone. These conditions could be removed, suspended, or relaxed where a zoning scheme is in effect. The application herewith is for removal.

Vehicular access to and egress from the property is possible off La Colline Road, albeit a street with significant pedestrian and vehicular movement opposite a school. The street has sufficient sidewalk space to allow for pedestrian movement and vehicle stacking space off the roadway for a vehicle to safely enter or exit the property.

The eight parking bays that are provided in the undercroft parking are sufficient to provide for the rooms in the commune. It however leaves the dwelling short of parking. It would be possible to create a substandard parking bay for the dwelling, on the southern side against the common boundary with Erf 2654. Such parking could occur informally, as the evidence relating to accommodation in communes indicates that not all the residents have vehicles and most commute by ride-hailing services for extended trips, and by bicycle or on foot for shorter trips inside of the town. Thus, the owner proposes to avail bicycles for the residents and thus reduce the need for parking.



Figure 5: La Colline building development satellite image

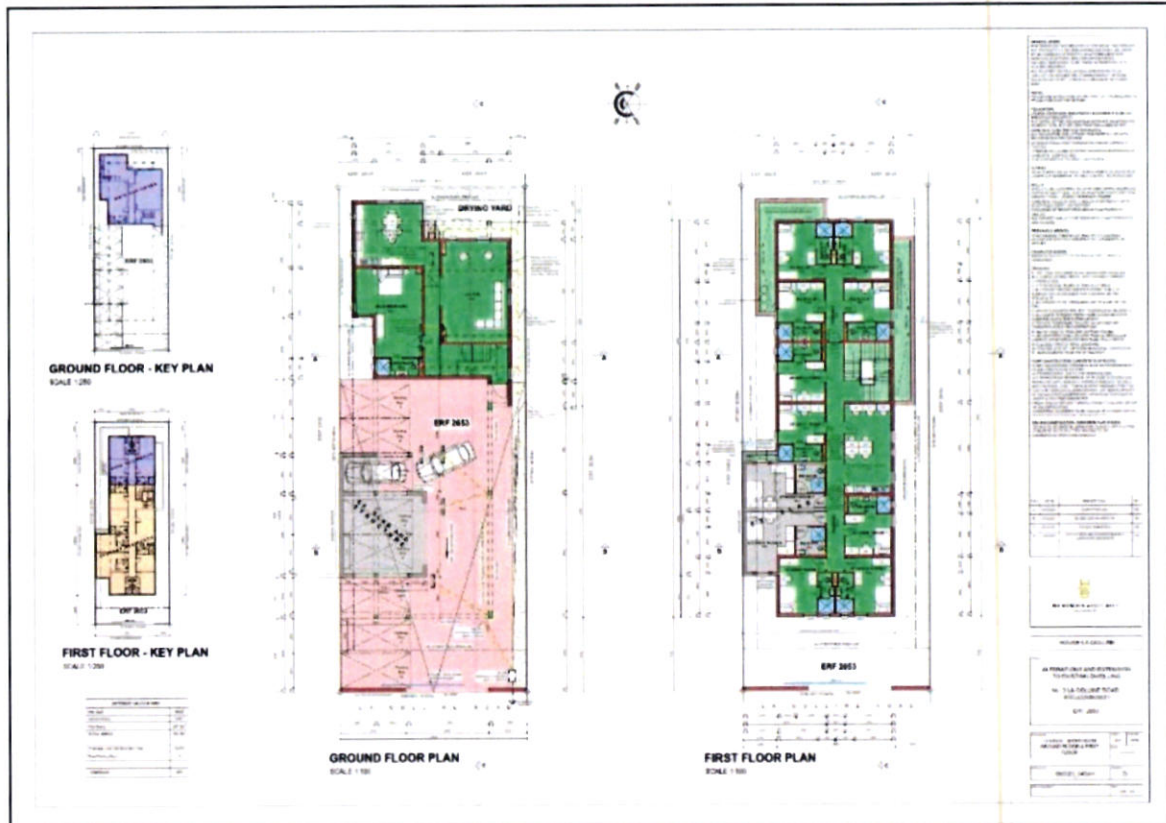


Figure 6: Erf 2653 layout plan

Due to the small size of the property, it might be necessary to exceed the coverage as in the restrictive title conditions and the Zoning Scheme Bylaw. Although the current site development plan indicates compliance with the coverage factor of 50%, the definition of coverage² would cause a coverage of 54% being applied, due to the first floor area of 267,5m².

The proposed building lines are in keeping with building lines as determined in the Zoning Scheme Bylaw. The reconstruction of the existing semidetached house used for single dwelling purposes by a new building used for a commune on the side boundary could lead to reconsideration of the building line. In view thereof, the retention of the nil metre building line is included in the application. The current land use parameters (and title conditions) allow for a dwelling unit on the common boundary. The effect of the new building attached to the neighbouring property is negligible, as the building would be converted from a dwelling house to residential accommodation in rooms, which form part of the dwelling unit.

The general welfare and safety of the residents and landowners in the area will not be affected by the proposal, which is of residential nature, and it would not cause any noise or other disturbances due to fumes or emissions. The removal of the restrictive title deed conditions as applied for will allow the owner to maximise the

² Coverage means the total area of a land unit that may be covered by buildings with a roof, expressed in square meters or as a percentage of the area of the land unit. Coverage is measured from the outer surface of outside walls of the building, and the following shall be disregarded in the calculation of coverage: ...

use of the property and facilitate its redevelopment with socio-economic benefits in keeping with the Municipality's spatial development policies.

2.3 IDP and SDF

The Integrated Development Plan 2023 (IDP), inclusive of the municipal spatial development framework approved in 2019 and as proposed for amendment in 2023 make specific provision for the intensification and densification of the so-called Adam Tas Corridor and the identified restructuring zones. While the property is just outside of the Adam Tas Corridor, it is within its sphere of influence, and it is inside of the identified restructuring zone.

The proposed redevelopment of the property and establishment of a commune is in keeping with the proposals for and policies relating to high intensity developments and densification in the area and will fit the overall character thereof.

The addition of rooms in a commune contributes to the achievement of the goal set for the increased density in Stellenbosch town (SDF paragraph 3.3). Not only that, but it also contributes to the "*densification of traditional residential areas through second dwellings, guest establishments*" as envisaged in paragraph 6.7 of the SDF.

The property will by redevelopment offer accommodation for a household and eight additional residents, where currently a single household is accommodated.

The SDF further promotes the consideration of relaxed parking requirements for appropriately located developments. Under the MSDF Policies, it states that the Municipality should: "*Move away from self-reinforcing conditions for development in terms of car parking minimum standards, and ensure the active participation and collaboration between land owner, developer, and municipality towards the provision of alternatives to car use*". The proposal is to accommodate as many vehicles as possible on the site by creating undercroft parking, thus providing sufficient parking for the commune, but leaving a bay short for the main dwelling as motivated above. This single bay shortfall could however be considered positively in view of the SDF policies, which include amongst others a decision-making checklist to be used in the consideration of development applications, in which there is specific provision to evaluate the parking requirements and to consider rational parking proposals such as contained herein.

2.4 SPLUMA Principles

The principles referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013 (SPLUMA) with reference to Chapter 2 and in Chapter VI of the Western Cape Land Use Planning Act, 2014 (LUPA), have been and are addressed in the process, with specific reference to:

A.	Spatial Justice	
a.	Redress	Redress is achieved by reversing the effects of past socially and spatially segregated development. By establishing a development that would cater for single residents who would

	normally not be able to afford accommodation in Stellenbosch town, it creates social opportunities for the residents, and leads to upliftment of the area.
b. Inclusion	This kind of affordable communal residential development mostly attracts students who are otherwise reliant on daily commutes to the campus, resulting in more traffic congestion. It does not attract specific race or social groups. While it would probably not contribute significantly to the creation of integrated communities, it will allow for residents who would otherwise find it difficult to afford accommodation in the town, allowing for economic integration.
c. Flexibility for all types of settlements	The surrounding area is characterised by multi- and semidetached single residential development for middle and lower middle income residents, and social housing. The proposed commune, aimed at the provision of affordable single accommodation will offer more opportunities for people wanting to live in the area, rather than commute to it daily.
d. Tenure and informality	The owner will manage the accommodation by rental agreements with the communal residents. Alternative forms of ownership are not being considered. While informality is not directly addressed through the proposed development, it does create affordable opportunities for people in an otherwise unaffordable environment.
e. Settlement upgrading	Some settlement upgrading is achieved in the process, as a small dwelling house is proposed to be redeveloped and replaced with a house of larger capacity, which will also lead to upgrading of the surrounding area over time.
f. Responsive	The development is in response to a range of needs, from the need for affordable single accommodation units to the need to densify the town centre by small-scale development.
B. Spatial Sustainability	
a. Capacity of state	The Municipality has the capacity to provide the bulk services required for the proposed development, which would have benefits for the community, amongst others by contributing to the reduction in trips to and from the town and congestion. Moreover, the Municipality has the capacity to provide non-infrastructure services such as library, health, and other social services to the residents.
b. Food security	Food security is not affected by the development.
c. Environmental sustainability	The nature of the development and the decreased need for travel by residents allow for more environmentally friendly movement patterns. The development does not have any known negative environmental effect other than the demand for infrastructure services.
d. Land markets	The proposed development does not diminish the supply of affordable land intended for the provision of subsidised housing or community facilities. While it falls inside of the restructuring zone, it does not occupy one of the identified erven earmarked for redevelopment by the Municipality.

e. Costs of infrastructure	The engineering services analysis in support of the SDF proposals and identified restructuring zone indicate that sufficient municipal infrastructure services exist in the surrounding area, and in the bulk services, to accommodate the proposed development, with minor upgrading.
f. Sustainable settlements	Settlement sustainability includes amongst others, the efficiency of the development in the use of scarce resources and its contribution to carbon emissions and other climate change catalysts. Due to the location and nature of the commune, few of the residents would need vehicles to travel inside of Stellenbosch town, and probably only for traveling to the town and back to their origins. The development will satisfy the SANS requirements for energy efficient development, inclusive of water saving and other similar systems that contribute to the environmental sustainability of the development.
g. Innovation	None.
h. Context specific development	The development is primarily focused on the provision of affordable accommodation for single residents in proximity of the academic institutions in town. It creates an opportunity for students and singles who would otherwise not be able to afford accommodation in town.
C. Efficiency	
a. Optimises use of existing resources	As indicated in the SDF, the La Colline land resources are under-utilised and could be better utilised, to improve on the socio-economic efficiencies of the town. Infill development benefits municipal service provision, making collection routes shorter, increasing the intensity of use of existing infrastructure and reducing traffic and daily commuter movement.
b. Processes to limit negative impact	No negative impacts have been identified.
c. Streamlined processes	The municipal land use consideration process is unfortunately not efficient.
d. Innovation	None to report.
e. Spatial Performance Management	Performance is a reflection of how a development was designed and built and should be a reflection of the community in which it exists. The success of a commune depends on how well it is managed after completion and the success of the development in community context is how it contributes to uplifting the socio-economic situation. It remains to be assessed.
f. Development Planning Tools	The Municipality needs to implement planning processes and structures that can efficiently respond to development applications and shorten the timelines for evaluation and decision-making.
g. Institutionalise for Efficiency	As above, systems and processes need to be implemented by the Municipality to lead to efficiencies in the development process and resultant willingness of investors to support development projects.
D. Resilience	

a. Sustainable livelihoods	Although at a small and local scale, the proposed development and especially the better use of the land are likely to improve the economic outlook for some of the local residents.
b. Resilience against shocks [avoid + bounce back ability]	Given the expected positive socio-economic effects of the proposed development it should improve the resilience of the surrounding community without any expected negative effects that could jeopardise their situation.
c. Innovation	None.
d. Context specific	By fulfilling a demand for more affordable accommodation,. This improves the resilience of the tourism sector, as more visitors can come to the town more often regardless of the seasonal fluctuations in accommodation costs.
e. Flexibility	The apartment hotel creates flexibility in the provision of accommodation for visitors. Not only does it create more affordable accommodation units which could be occupied for longer periods due to the affordability thereof, but it also allows owners and visitors to visit the town year round without being impeded by seasonal peak bookings.
E. Good Administration	
a. Planning Decision-making tools	The Municipality needs to introduce a system whereby developments with economic benefit are prioritised and dealt with expeditiously. This significantly improves investor outlook and causes investors to participate in projects from the early stages.
b. IGR and integrated approach	No comment.
c. Meet time frames	As part of the decision-making system, the Municipality must provide a decision-making process program and continuously update the system to ensure the meeting of timeframes.
d. Transparency	Meetings and communications need to be recorded and shared, leading to transparency in the decision-making process.
e. Community empowerment	Public participation for development applications ensures that those owners and residents who could potentially be affected by the proposed development have the opportunity to give input on the development proposal.
f. Spatial Performance Management	Performance is to be measured against the success of the development in uplifting the surrounding area and improving the socio-economic situation. It remains to be assessed.
g. Values	It is obvious that the Municipality attaches value to social housing and the creation of affordable accommodation by investment in the town, as highlighted in the SDF.

Municipalities have been tasked with driving spatial transformation. The achievement of the spatial transformation objective must be measured against the reaching of the need to improve on inclusivity, mobility and access, economic development that drives local and regional growth prospects and transforms space in a manner that is socially and environmentally sustainable. The proposed

commune can form one of the building blocks for the redevelopment of the La Colline neighbourhood in keeping with the vision for it to become a settlement restructuring zone and will therefore contribute to the achievement of the spatial transformation objective even if it is a small development.

While there is no agreed definition for spatial transformation, it is referred to as "*major urban change or restructuring*" with resulting socio-economic benefit, which is a likely outcome for the development as set in the surrounding community. The addition of singles accommodation in a commune makes it possible for lower income residents to reside in Stellenbosch rather than having to commute to it daily. This will reduce the number of vehicles causing the congestion on the road network and increase the number of residents who stay in the town and make use of the social and economic opportunities.

2.5 Provincial planning

The principles referred to in Chapter VI of the LUPA, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered, as are elaborated on above. In addition, the proposal adheres to the policy guidelines of the Western Cape Provincial Spatial Development Framework (PSDF).

- ✓ The PSDF focuses strongly on densification and intensification of urban areas to achieve its desired outcomes. The average gross residential density of urban areas should increase to 25 units / ha before extensions to an urban edge are considered. In this instance the urban edge is not relevant to the argument, the proposal being consistent with the SDF, as indicated above.
- ✓ The policy of more intense use of nodes and urban core areas further requires consideration of the bio-physical environment, cultural heritage, municipal infrastructure services and social infrastructure issues and factors. With these in mind, the density targets should be achieved by allowing a variety of development methodologies, including, but not limited to demolition and redevelopment of existing properties; utilisation of vacant and under-utilised land and changing of permitted land use of existing developments. The purpose of densification is primarily to maintain sustainable supplies of natural resources, for food production and ecological functioning, to achieve more economical use of municipal services infrastructure and community facilities, provide for efficient public transport services and reduce traveling distances to a variety of opportunities. This fits with the location of the property in an urban area with full services, in proximity of major feeder roads, where social housing is envisaged and a commune will not have any significant negative consequences or effect, and where the future residents can walk to the various social and economic opportunities in the town.
- ✓ The proposed use of the property for a main and second dwelling accommodating a commune in a building that retains the scale and form of buildings in the area, contributes to intensification and densification by appropriate use of the property in terms of its location. It leads to improvement of the efficiencies in service provision as set out above, on under-

utilised land within an identified urban node. It does not diminish the supply of ecological or agricultural resources, opportunities for redress, or improved spatial integration with access to land for those previously dispossessed.

2.6 Heritage

The proposed land development does not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999. The house was built in the mid 1950's but has been renovated and changed over time. There are no townscape character area guidelines applicable to the surrounding area and the proposed dwelling will fit the character of the original social housing buildings erected in the neighbourhood.

2.7 Engineering

Storm water, water and sewerage services are existing, and the demand will not change significantly. Solid waste is removed by the Municipality. The existing connections are sufficient and could be replaced with new connections for the proposed redevelopment.

Electrical services and capacity are existing, but an upgraded connection might be required to service the second dwelling and commune.

The proposed use will add minimal additional traffic to the area. No upgrading of the road infrastructure is required.

3. CONCLUSION

From the above it is clear that the La Colline neighbourhood is identified as a social housing settlement restructuring area and that according to the spatial development policies of the Municipality it can accommodate change. Increased density and more affordable residential opportunities in the area are desirable and promoted in the Spatial Development Framework. Approval of the proposed use of the property for a second dwelling and a commune and the simultaneous removal of the restrictive title conditions will allow for the development of a commune providing affordable accommodation with eight rooms to residents who would otherwise not be able to afford accommodation in the town and would have to commute daily, with obvious negative effects.

The removal of the restrictive title conditions will also allow for the redevelopment and more intense residential use of Erf 2653 in terms of the land development parameters as set out in the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 without any identified negative effect on the surrounding properties, many of which will over time be redeveloped with similar buildings and uses in keeping with the spatial development policies applicable to the neighbourhood.

In view of the above, the following applications could therefore be approved:

- 3.1 Application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, for a permanent departure from the development parameters of the zoning scheme:

- to encroach the side building line and to reconstruct the existing building for undercroft parking onto the side boundary where currently exists a semi-detached dwelling; and
- for the provision of eight parking bays instead of the required nine bays.

3.2 Application in terms of Section 15(2)(f) of the Land Use Planning Bylaw for a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for a commune in a second dwelling and buildings that exceed the coverage and building lines as determined in the title deed as detailed in the attached conveyancer's certificate and title deed (Annexure D and E):

- A. *ONDERHEWIG VERDER aan die volgende spesiale voorwaardes opgelê kragtens Transportakte No T30920/1981 deur die Administrateur van die Kaapprovinsie kragtens Ordonnansie No 33 van 1934, by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding Nr 2 naamlik:-*
 - *5. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-*
 - *(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
 - *(c) not more than half the area thereof shall be built upon;*
 - *(d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected with the above prescribed the rear space, provided further that in the event of a pair of semi-detached houses being erected on this land and the adjoining erf, no building line restriction shall apply to the lateral boundary colinear with the dividing wall of the two residential units."*

3.3 Section 15(2)(o) of the Land Use Planning Bylaw for a consent use as contemplated in Section 53 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms on the property together with a main dwelling.

3.4 Application for a second dwelling by technical consideration as contemplated in Sections 13 and 49 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 to allow for the establishment of a commune consisting of eight rooms with a communal kitchen on the property together with a main dwelling.

ANNEXURE A: LOCALITY

Erf 2653, Stellenbosch

- Legend
- Farm Portions
 - Erf



Map Center: Lon: 18°51'32.5"E
 Lat: 33°55'25"S
 Scale: 1:5 000
 Date created: May 23, 2023



Western Cape
 Government
 FOR YOU

Agriculture

Surveyor General (P.C.) Department of Rural Development and Land Reform
 4854
 Department of Rural Development and Land Reform

Erf 2653, Stellenbosch

- Legend
- Farm Portions
 - Erf



Map Center: Lon: 18°51'32.5"E
 Lat: 33°55'25"S
 Scale: 1:1 500
 Date created: May 23, 2023



Western Cape
 Government
 FOR YOU

Source: Geo-Information Systems, Stellenbosch

ANNEXURE A: LOCALITY



Legend

 Farm Portions

 Erf

Map Center: Lon: 18°51'32.5"E
Lat: 33°55'25"S
Scale: 1:5 000
Date created: May 23, 2023





Erf 2653, Stellenbosch

Legend
Farm Portions
Erf

Map Center: Lon: 18°51'32.5"E
Lat: 33°55'25"S
Scale: 1:1 500
Date created: May 23, 2023

ANNEXURE F: DIAGRAM

ANNEXURE G: SITE DEVELOPMENT PLAN

1437
C.D.R.

ANNEXURE D: CONVEYANCER'S CERTIFICATE



CONVEYANCER CERTIFICATE

I/we André Olivier
.....
.....
(conveyancer's name and surname)

Practising at:
André Olivier Attorney
at: 54 Bosmans Crossing Square, Distillery
Road, Stellenbosch
.....
(firm and place of practice)

In respect of:
ERF 2653 STELLENBOSCH, MUNICIPALITY AND DIVISION STELLENBOSCH
(IN EXTENT 495 SQUARE METRES)
HELD BY T18389/2021
.....
(full property description (erf / farm) as it appear in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. T 18389 / 2021
2. T 16109 / 1957
3.
4.
5.
6.
7.
8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



STELLENBOSCH

STELLENBOSCH • FRANS • FRANSCHOOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	☒ N	
2.	Building lines	☒ Y	N	III. A. 5. (d)
3.	Height	Y	☒ N	
4.	Number of Dwellings	Y	☒ N	
5.	Bulk floor area	☒ Y	N	III. A. 5(c)
6.	Coverage/built upon area	☒ Y	N	III. A. 5(c)
7.	Subdivision	Y	☒ N	
8.	Servitudes that may be registered over or in favour of the property	Y	☒ N	
9.	Other Restrictive Conditions	Y	☒ N	



STELLENBOSCH

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B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

In respect of which it was found that there **are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

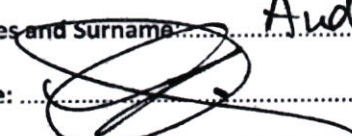
C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Stellenbosch (Place) on this 23 (Day) May (Month) of 2023.

Full names and Surname Andre Olivier

Signature: 

ANDRE OLIVIER
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY RSA
 Firm Postal Address:
 SHOP 54
 BOSMANS CROSSING SQUARE
 DISTILLERY ROAD
 STELLENBOSCH

ANDRE OLIVIER
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY RSA
 Kindly endorse certificate by affixing official stamp here and initial here
 SHOP 54
 BOSMANS CROSSING SQUARE
 DISTILLERY ROAD
 STELLENBOSCH

Tel: 021 007 1987

Cell: 082 767 5771

Email: andre@andreolivierattorney.co.za

ANNEXURE E: TITLE DEEDS

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE:

Datum van Indringing / Date of Lodgement

31/5/21

LODGED
09-04-2021
18 APR 2021
A

Onssoekers / Examiners: **P. MACBRIDE**
P. FREEMAN

Kamers Rooms: **4** **1**

Skakeling / Linking: **INGEDIEN**

Verwerp Reject: **0**

Passe Pass: **0**

B. (a) VIR AKTEBESORGER SE GEBUIK / FOR CONVEYANCER'S USE

Aard van Akte / Nature of Deed

Transfer
J Do Amaral

t.g.v./i.f.o.

Rotherhithe Pty Ltd**T 00 00 18389/2021**

Skakeling / Linking

Titelaktes / Title deeds within

4 **1** **T 1081/2008**

GELYKTYDIGES / SIMULS

No. in stel / batch	Kode / Code	Name van Parte / Names of Parties	Naam van Firma / Name of Firm	Firma No.
1	T	Do Amaral / Rotherhithe	VZK	30
2	BC	" / Absa	"	"
3	BC	" / "	"	"
4	B	Rotherhithe / Absa	Symington De Kok	1082
5				
6				
7				
8				
9				
10				

(a) GELYKTYDIGES MET ANDER REGISTRASIEKANTORE/DEELTITELS:
SIMULS WITH OTHER REGISTRIES/SECTIONAL TITLES:

Kode Code	Firma/Firm	Eiendom/Property	Kantoor/Office

Registrasie Versoek Deur:
Registration Requested By**SONJA JANSE VAN RENSBURG (78341)**

Datum Date:

2021/04/19

080007612602

(Kort beskrywing van eiendom (slegs para 1 in Akte) / Brief description of property (merely para 1 in Deed))

Erf 2653 Stellenbosch

(c) Kliënt afskrif van aktes permanent in Aktekantoor geliasseer:
Client copies of deeds filed permanently in Deeds Office:

Aard en nommer van akte / Nature and number of deed

Omslag Nr. / Cover No.

Parawe van ondersoek
Initials of Examiners

(d) Notas / Notes:

C. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE:

Interdikte nagesien Interdicts checked		Opmerkings / Remote	Paraaf Initials
Datum/ Date	Paraaf Initials		
		(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed)	
		(2) Begiftigingserwe Endowment erven	
		(3) Begiftigings Endowment	
		(4) Voorwaardes Conditions	
		(5) Mikro Micro	
		(6) Algemene Plan General Plan	
		(7) Titelakte Title Deed	
		(8) Verbande teen dorpsitle Bonds against township title	
		(9) Datum nagesien Date checked	

Kantoor instruksies / Office instructions:

Seksie / Section:

30

VANZYL KRUGER INGELYF
Avanti Gebou
h/v Carl Cronje Rln & Bill Bezuidenhout Ln
Tygervallei
7530

Opgestel deur my



TRANSPORTBESORGER
LYNDA JEAN CHANTLER (89798)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 2 700 000,00	R 1778,00
Reason for exemption	Category Exemption.....	Exemption i to. Sec/Reg..... Act/Proc.....

DATA/CAPTURE
21-04-2021
LINDA NCAPAI

VERBIND	MORTGAGED
VIA FOR R 2 160 000,00	
B 000010568/2021	
19 APR 2021	REGISTRATEUR/REGISTRAR

T 000018389/2021

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

SONJA JANSE VAN RENSBURG (98341)

voor my verskyn het, REGISTRATEUR VAN AKTES te KAAPSTAD, hy/sy die genoemde komparant synde behoorlik daartoe gemagtig kragtens 'n Volmag aan hom/haar verleen deur

JOSELINE DO AMARAL
Identiteitsnommer 7305240076089
Ongetroud

geteken te STELLENBOSCH op 23 FEBRUARIE 2021

DATA / VERIFY
22-04-2021
JENNY VAN WYK

En genoemde Komparant het verklaar dat sy/haar prinsipaal, op 1 Desember 2020, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy/sy, in sy/haar voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

ROTHERHITHE EIENDOMS BEPERK
Registrasie Nommer 2020/877785/07

diese Opvolgers in titel of Regverkrygendes, in volkome en vrye eiendom

ERF 2653 STELLENBOSCH
IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH
PROVINSIE WES-KAAP

GROOT 495 (VIER HONDERD VYF EN NEGENTIG) Vierkante Meter

AANVANKLIK OORGEDRA kragtens Transportakte Nommer T 30290/1981 met kaart nr. 4464/1957 wat daarop betrekking het en gehou kragtens Transportakte Nommer T1081/2008.

- I. **INSOVERRE** die figuur x B z y op Kaart Nr 4464/57 geheg aan Transportakte No T45532/1985, betref:-
 - A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in gemelde Sertifikaat van Eenvormige Titel No T16109/1957.
- II. **INSOVERRE** die figuur A x y z C D op Kaart Nr 4464/57 geheg aan Transportakte No. T 45532/1985, betref:-
 - A. **ONDERHEWIG** aan die voorwaardes waarna verwys word op gemelde Sertifikaat van Eenvormige Titel No T16109/1957.
 - B. **ONDERHEWIG VERDER** aan en **GEREGTIG** soos die geval mag wees aan die Serwituut, 'n verwysing waarna vervat is in die endossement gedateer 1 Maart 1933 geendosseer op Transportakte No T6053/1932, welke endossement soos volg lees:-

"By the Deed of Transfer No T940 dated 1st March 1933 certain rights to use —of road erection of electric lights poles on the remainder of the property held under para 3 hereof have been given to the owner for the time being of the property thereby conveyed, subject to the conditions as will more fully appear on reference to the said Transfer and relative diagram."

III. WAT DIE EIENDOM AS 'N GEHEEL BETREF

- A. ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes opgelê kragtens Transportakte No T 30920/1981 deur die Administrateur van die Kaapprovinsie kragtens Ordonnansie No 33 van 1934, by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding Nr 2 naamlik:-

- "1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under provincial Administration Notice No 401 dated 17th October 1935, and in the memorandum which accompanied the said regulations.
2. The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
3. The owner of this erf shall be obliged, without compensation to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of, and within a period to be determined by the local authority.
4. In the event of the provisions of a Town Planning Scheme being made applicable to this erf which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.
5. This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-
 - (a) It shall not be subdivided;
 - (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
 - (c) not more than half the area thereof shall be built upon;
 - (d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority, an outbuilding not

exceeding 3.05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected with the above prescribed the rear space, provided further that in the event of a pair of semi-detached houses being erected on this land and the adjoining erf, no building line restriction shall apply to the lateral boundary colinear with the dividing wall of the two residential units."

- IV. **ONDERHEWIG VERDER** aan en **GEREGTIG** op die voorwaarde opgelê kragtens Transportakte No T30290/1981 dat die lyn gemerk xw op die Kaart No 4464/57 'n gemeenskaplike muur is, gemeenskaplik tot die eiendom hierkragtens getransporteer te word en tot die restant wat gehou word deur die Nasionale Behuisingskommissie kragtens gemelde Sertifikaat van Eenvormige Titel No T16109/1957.

For Information

P.



WESHALWE die komparant afstand doen van al die regte en titel wat

JOSELINE DO AMARAL , Ongetroud

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat sy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

ROTHERHITHE EIENDOMS BEPERK Registrasie Nommer 2020/877785/07

diese Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprijs die bedrag van R2 700 000,00 (TWEË MILJOEN SEWE HONDERD DUISEND RAND) beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op hede die

In my teenwoordigheid

REGISTRATEUR VAN AKTES

19 April

2021

q.q.

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VANZYL KRUGER INC
Avanti Building
c/o Carl Cronje Dr & Bill Bezuidenhout
Tyger Valley
7530

Prepared by me

CONVEYANCER
LYNDA JEAN CHANTLER (89798)

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

JOSELINE DO AMARAL
Identity Number 7305240076089
Unmarried

do hereby nominate and appoint DANIEL VAN ZYL (96216) / EBERHARD SCHOCH KRUGER (86820) / GERRIT JOHAN MOLLER (79771) / HENDRIK LOUBSER VANZYL (81580) / JACOBUS ADRIAAN DE KOCK (62130) / SONJA JANSE VAN RENSBURG (98341) / LYNDA JEAN CHANTLER (89798) / MARZAAN KALES (94259)

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at CAPE TOWN or any other competent official in the Republic of South Africa and then and there to act as my Attorney and Agent and to pass transfer to:

ROTHERHITHE PROPRIETARY LIMITED
Registration Number 2020/877785/07

the property described as:

ERF 2653 STELLENBOSCH
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
PROVINCE OF WESTERN CAPE

IN EXTENT 495 (FOUR HUNDRED AND NINETY FIVE) Square metres

HELD BY Deed of Transfer Number T1081/2008

the said property having been sold by me on 1 December 2020, to the said transferee/s for the sum of R2 700 000,00 (Two Million Seven Hundred Thousand Rand);

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to

all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at STELLENBOSCH on 23 FEBRUARY 2021
in the presence of the undersigned witnesses.

AS WITNESSES:

1.  _____


JOSELINE DO AMARAL

2.  _____

For Information

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VZK

SARS

**Transfer Duty
Declaration**

TDREP

Reference Details

Transfer Duty Reference Number: TDE04278FD

Details

Details of Seller/ Transferor/ Time Share Company

Surname/ Registered Name AMARAL
D Number 7305240076089
Company/ CC/ Trust Reg No.

Full Name JOSELINE DO
Date of Birth (CCYYMMDD) 1973-05-24
Marital Status NOT MARRIED

Details of Purchaser/ Transferee

Full Name ROTHERHITHE PROPRIETARY LIMITED
Company / CC / Trust Reg No. 202087778507

Surname / Registered Name ROTHERHITHE PROPRIETARY LIMITED
Marital Notes if applicable

Details of the Property

Date of Transaction/Acquisition (CCYYMMDD) 2020-12-01

Total Fair Value R 2700000.00

Total Consideration R 2700000.00

Calculation of Duty and Penalty/ Interest

Transfer Duty Payable on Natural Person R 2700000.00

Property Description

1 E R F 2653 STELLENBOSCH IN THE MUNICIPALITY AND DIVISION STELLENBOSCH PROVINCE OF WESTERN CAPE IN EXTENT 495 (FOUR HUNDRED AND NINETY FIVE) Square metres

Receipt

Receipt Details

Transfer Duty Reference Number TDE04278FD
Receipt Amount R 113000.00

Receipt No. 1200809743

Declaration by Conveyancer / Attorney

LYNDA JEAN CHANTLER

I certify that this is a true copy of the transfer duty declaration / receipt/ exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.


Please ensure you sign over the 2 lines of 'X's above
#9f4b66a2c8828556a569
do6d772559b3069171

Date (CCYYMMDD)

2021/03/01

For enquiries go to
www.sars.gov.za or call
0800 00 SARS (7277)

30

VZK



STELLENBOSCH

STELLENBOSCH • PHIL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT No. 32 OF 2000)
(AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)

ISSUED BY STELLENBOSCH LOCAL MUNICIPALITY

In terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to Stellenbosch Local Municipality in connection with the undermentioned property situated within that municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

DESCRIPTION OF PROPERTY (see definition of property in section 1 of Act 32 of 2000)

21 Digit Code (or Municipal Reference Number): C06700220000265300000

Erven: 2653

Portion: 0

Extension: STELLENBOSCH

Zoning:

Registration division / Administrative District: IN THE MUNICIPALITY AND DIVISION STELLENBOSCH PROVINCE OF WESTERN CAPE

Suburb:

Town:

Sectional Title unit number:

Exclusive use area and number as referred to on the registered plan:

Real right:

Scheme registration number:

Sectional Title Scheme Name:

Registered owner: JOSELINE DO AMARAL (7305240076089)

Name and Identity/ Registration Number of all purchaser/s: ROTHERHITHE PROPRIETARY LIMITED (2020/877785/07)

This Certificate is valid until: 31/05/2021

Given under my hand at STELLENBOSCH on 31/03/2021

Digitally signed by Stellenbosch Municipality

Signee: Lazerick Anthony

Sign date: 31/03/2021 01:45:19.775 PM

Expiration date: 03/03/2022 09:55:58 AM

MUNICIPAL MANAGER
Stellenbosch Local Municipality

Date issued: 31/03/2021

Authorised Officer: Lazerick Anthony

Certificate by my eyes:

I LYNDIA JEAN CHANTLER (full name and surname) hereby certify that this is a print-out of a data message in respect of the original clearance certificate electronically issued by the Stellenbosch Local Municipality.

Conveyancer

Date

31/03/2021

21 Digit Code (or Municipal Reference Number): C06700220000265300000

Page 1 of 1

Certificate number: 11795187

TRACK NUMBER : 88887612682

BLACK-BOOKING ENQUIRY ON NAME - AMARAL JOSELINE DO
ID NUMBER - 7385248876889
BIRTH DATE - 19730824
MARITAL STATUS - UNMARRIED
MAIDEN NAME -
TYPE OF PERSON - PRIVATE PERSON

PERSON HAS NO CONTRACTS/INTERDICTIONS

** PLEASE NOTE: THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***



3

TRACK NUMBER : 80097612602

PROPERTY DETAILS: PRINT FOR PORTION 0
ERF NO 2653
TOWNSHIP STELLENBOSCH
REG DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION
DIAGRAM DEED NO T38298/1981
EXTENT 4950M
CLEARANCE STELLENBOSCH MUN

NO INTERDICTS

DOCUMENTS
B51053/2008
B922/2008

HOLDER & SHARE
A B/S A BANK LTD
A/B S ABANK LTD

AMOUNT
R382000.00
R939000.00

Q/P/A
0

SCAN/MICRO REF
20080908135922
20080213154014

MMD
0811
0108

OWNER DETAILS

FULL NAME & SHARE
AMARAL JOSELINE DO

PURCH DATE AMOUNT/REASON Q/P/A IDENTITY TITLE DEED MMD MICROFILM REF
20071802 R870000.00 7305240076089 T1801/2008 0108 20080908135941

* O/P/A - 0 - MUL PROP OWNER P - MUL TITLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

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*** END OF REPORT ***

IKHE: /XARRA /IKE